IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1857-2025 (O&M)
Date of Decision: 10.12.2025

Snehlata and others ....Appellants

V/s

Surender Pal Singh and others ….Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Shashikant Gupta, Advocate, for the appellants.

Mr. Parunjeet Singh, Advocate,
for respondent No.3-insurance company.

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VIKRAM AGGARWAL, J. (ORAL)

Appellants/claimants, who are the parents and the grandparents of deceased Nitin, who expired in a motor vehicular accident which took place on 20.10.2017, seek enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Narnaul (for short 'the MACT') vide award dated 28.01.2025 passed in a claim petition instituted by them under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act').

3. The case of the claimants was that on 20.10.2017, Nitin was going from village Baloji to Kotputli on his motorcycle bearing Regn. No.HR-35-E-3158 at a moderate speed. When at about 7.45 a.m., he reached near power house at NH-8, Kotputli, a Trailer bearing Regn. No.PB-07-AS-5518 (hereinafter referred to as "the offending vehicle") being driven by respondent No.1 (Surender Pal Singh) came from behind at a high speed in a rash and negligent manner and hit the motorcycle of Nitin as a result of which, he fell down on the road and sustained multiple injuries. The said accident was witnessed by one Ranjeet Singh. Nitin was taken to Government Hospital, Kotputli, where he was declared brought dead. FIR

No.0759, dated 21.10.2017 was registered at Police Station at Police Station Kotputli under Sections 279 and 304A IPC.

4. It was averred that the deceased was 29 years old and was working in RGS Foods Pvt. Ltd., Zira Road, Ferozepur and was getting a salary of Rs.18,000/- per month. Accordingly, compensation of Rs.70 lakhs was claimed.

5. The respondents opposed the claim petition. In the written statement filed by respondent No.1, the factum of the accident was denied. As respondent No.2 did not appear, he was proceeded against *ex parte*.

6. Respondent No.3 (insurance company) raised its usual defences in the written statement and denied the factum of the accident.

7. From the pleadings of the parties, following issues were framed:-

> ***"1. Whether the accident in question took place on account of rash and negligent driving on the part of respondent No.1 by driving the vehicle bearing registration No.PB-07-AS-5518?OPP***
> ***2. If issue No.1 is proved, to what amount of compensation and from whom the petitioner is entitled? OPP***
> ***3. Whether respondent No.1 did not hold a valid and effective driving licence at the time of accident and whether the terms and conditions of the insurance policy stood violated? OPR***
> ***4. Relief."***

8. Parties led their respective evidence.

9. After considering the evidence led on the record of the case, a finding was recorded by the MACT that the accident as a result of which Nitin had expired, had taken place on account of the rash and negligent driving of the offending vehicle by respondent No.1. The age of the deceased was assessed as 29 years. His income was assessed as Rs.10,000/- per month. Future prospects @ 40% to the assessed income in terms of the

law laid down by the Hon'ble Supreme Court of India, were also granted. Accordingly, the following compensation was awarded by the MACT:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	29 years
2.	Income of the deceased	Rs.10,000/- per month
3.	Future prospects @ 40%	Rs.4,000/- (Rs.14,000/-)
4.	After deducting ½ of the income as personal expenses of the deceased	Rs.84,000/- per annum
5.	After applying Multiplier of '17'	Rs.84,000/- x 17 =Rs.14,28,000/-
6.	Funeral expenses	Rs.15000/-
7.	Loss of consortium	Rs.1,60,000/- (Rs.40,000/- x 4)
8.	Loss of Estate	Rs.15000/-
	Total Compensation	**Rs.16,18,000/-**

10. I have heard learned counsel for the parties.

11. Learned counsel for the appellants submits that the MACT did not examine the matter from the correct perspective. He submits that the deceased was working as a Supervisor in the RGS Foods Pvt. Ltd., Zira Road Ferozpur and was getting a monthly salary of Rs.18,000/-, as was evident from salary certificate (Ex.P14). He further submits that in the MACT cases, proceedings are summary in nature and strict rules of evidence do not apply. It is further submitted that the MACT erred in discarding the actual income of the deceased and rather mechanically assessed the same as being self employed. He further submits that the compensation deserves to be assessed in view of the principles laid down by the Hon'ble Supreme Court in the cases of ***National Insurance Company Limited vs. Pranay Sethi and others***, **(2017)16 SCC 680**, ***Smt. Sarla Verma and others vs. Delhi Transport Corporation and another***, **(2009) 6 SCC 121** and ***Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram***, **(2018) 18 SCC 130**. As regards claim of filial consortium, it is submitted

that the same would be @ Rs.48,400/- for each of the dependants. Compensation under conventional heads i.e., for loss of estate and funeral expenses, should also be increased to Rs.18150/- under each head.

12. *Per contra*, learned counsel representing the respondent-insurance company submits that the compensation awarded by the MACT is adequate and the MACT rightly assessed the notional income of the deceased in the absence of admissible evidence. However, he could not dispute the factum of the consortium/filial compensation being payable in terms of the judgment of the Hon'ble Supreme Court of India in the case of **Pranay Sethi** (supra).

13. I have considered the submissions made by learned counsel for the parties.

14. There is no challenge to the Award by either side on the issue of negligence and only enhancement in compensation has been sought. In the present case, no evidence was produced by the claimants to show that the deceased was actually working as a Supervisor in RGS Foods Pvt. Ltd., Zira Road Ferozpur and was getting a monthly salary of Rs.18,000/-. The authority/employer, who had issued the salary certificate (Ex.P14) was not examined by the claimants. Thus, except for a mere assertion, no evidence in the form of wage register, bank passbook etc., showing salary credits, was produced by the claimants. The employer or any authorized person was also not examined. It is well settled that MACT proceedings are summary in nature and strict rules of evidence do not apply, but it has also consistently been held by the Hon'ble Supreme Court of India that in the absence of proof of exact income, the MACT may assess the income at the rate of minimum wages applicable to the relevant period. In the considered opinion of this Court, income of the deceased as Rs.10,000/- per month was rightly

assessed by the MACT as nothing contrary to the same has been shown. However, in terms of the ratio laid down by the Supreme Court of India in the case of **Pranay Sethi** (supra), filial consortium, @ Rs.48,400/- for each of dependants, is required to be granted. Still further, for funeral expenses and loss of estate, Rs.18150/- under each head, is also required to be awarded.

15. Having considered the submissions made by learned counsel for the parties, the compensation awarded by the MACT is enhanced as under:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	29 years	No change
2.	Income of the deceased	Rs.10,000/- per month	(No change)
3.	Future prospects @ 40%	Rs.4,000/- (Rs.14,000/-)	(No change)
4.	After deducting ½ of the income as personal expenses of the deceased	Rs.84,000/- per annum	(No change)
5.	After applying Multiplier of '17'	Rs.84,000/- x 17 =Rs.14,28,000/-	Rs.84,000/- x 17 =Rs.14,28,000/- (no change)
6.	Funeral expenses	Rs.15000/-	Rs.18150/-
7.	Loss of consortium	Rs.1,60,000/- (Rs.40,000/- x 4)	Rs.1,93,600/- (Rs.48,400/- x 4)
8.	Loss of Estate	Rs.15000/-	Rs.18150/-
	Total Compensation	**Rs.16,18,000/-**	**16,57,900/-**

The total compensation, therefore, comes to Rs.16,57,900/-. After deducting a sum of Rs.16,18,000/- as assessed by the MACT, the balance compensation comes to Rs.39,900/- This amount would be payable in addition to the amount assessed by the learned MACT along with interest @ 7.5% annually. The disbursal and liability to pay the same would be as per the award.

16. The present appeal is accordingly disposed of.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

December 10, 2025
vcgarg

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No