



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of Decision: 23.12.2025

FAO-4795-2024 (O&M)

1)

Sunil (since deceased) through LR's and othersAppellants

V/s

Rajinder Singh and othersRespondents

2)

FAO-3253-2025 (O&M)

Beermati and othersAppellants

V/s

Rajinder Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Govind Chauhan, Advocate, for the appellants.
(in both appeals).

Mr. Amit Jaiswal, Advocate,
for respondent No.3-insurance company (in both appeals)

VIKRAM AGGARWAL, J. (ORAL)

CM-17895-CII-2024 in FAO-4795-2024

Prayer in the present application preferred under Section 151

CPC is for condonation of delay of 818 days in refiling the appeal.

Notice of the application to respondent No.3.

Mr. Amit Jaiswal, Advocate accepts notice on behalf of
respondent No.3 and submits that he would have no objection to the
application being allowed.

For the reasons mentioned in the application and in view of the
statement given by learned counsel for respondent No.3, the same is
allowed. The delay of 818 days in refiling the appeal is condoned.

CM-10348-CII-2025 in FAO-3253-2025

Prayer in the present application preferred under Section 5 of the Limitation Act, 1963 is for condonation of delay of 1091 days in filing the appeal. The same was allowed vide order dated 05.08.2025 passed by a coordinate Bench.

FAO-4795-2024 and FAO-3253-2025

This judgment shall dispose of the afore titled appeals, both seeking enhancement in compensation awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as “the MACT”).

2. Two claim petitions were instituted before the MACT. One was filed by the legal representatives of Sunil under Sections 166 and 140 of the Motor Vehicles Act, 1988 (for short “the MV Act”) for the grant of compensation of Rs.20 lakhs on account of injuries sustained by Sunil in a motor vehicular accident which took place on 18.06.2017.

3. The second claim petition was filed by the legal representatives of Sunder Singh, who had expired in the accident in question, claiming Rs.50 lakhs as compensation.

3.1 The case of the claimants was that on 18.06.2017, Sunil along with one Sunder had gone to Safidon Dham on a motorcycle bearing Regn. No.HR-06-AD-7286. When they were returning to their Village Barana via Karnal and had reached near Rathore Petrol Pump, a Bolero Jeep bearing Regn. No.HR-06-AE-8953 (hereinafter referred to the as “the offending vehicle”) came from the side of Jundla. As per the claimants, it was being driven at a very high speed and in a rash and negligent manner by respondent No.1 (Rajinder Singh). It struck the motorcycle on which Sunil and Sunder were travelling. Both fell on the road. Sunil received grievous injuries on his neck, left arm and both legs below the knee were broken as a

injuries. Both were taken to Civil Hospital, Karnal. However, Sunder expired on the way. Sunil was referred to PGIMER, Chandigarh, where he remained admitted for 20 days in coma. He was thereafter shifted to Civil Hospital, Panipat on 09.07.2017 and was still in coma when the petition for the grant of compensation was filed. It was averred that the accident, as a result of which Sunil had suffered grievous injuries and Sunder had expired, had taken place on account of the rash and negligent driving of the offending vehicle by its driver (respondent No.1-Rajinder Singh).

3.2 FIR No.619, dated 18.06.2017 under Sections 279, 337, 338, 421 and 304A IPC was registered at Police Station Sadar, District Karnal.

3.3 It was claimed that at the time of the accident, Sunil was 35 years old and was a labourer by profession earning Rs.12,000/- per month. He was also claimed to be doing cultivation and dairy farming. It was claimed that a sum of Rs.3 lakhs had been spent on treatment, medicine, special diet, transportation etc.

3.4 As regards Sunder Singh, he was claimed to be 38 years old and was stated to be a Mason (Raj Mistri) earning Rs.18,000/- per month. A sum of Rs.50,000/- was claimed to have been spent on his transportation, last rites and funeral expenses.

4. On notice, respondents No.1 and 2 appeared and filed their joint written statement. They denied all the averments made in the petition including the factum of the accident.

5. The claim petitions were opposed by respondent No.3-insurance company. In the written statement, it took its usual defences and denied the factum of the accident.

6. From the pleadings of the parties, following consolidated issues

- “1. Whether the accident in question took place due to rash and negligent driving of vehicle No.HR-05-AE-8953 resulting into the injuries to claimant Sunil and death of Sunder Singh, as alleged? OPP
- 2. If issue No.1 is proved, whether petitioners are entitled to compensation, if so, to what effect and from whom?
- 3. Whether the respondent No.1 was not having a valid and effective driving licence at the time of accident and the vehicle in question was being driven in contravention of terms and conditions of insurance policy, if so, to what effect?OPR3
- 4. Relief.”

- 7. Parties led their respective evidence.
- 8. The MACT held that the accident had taken place on account of the rash and negligent act of the offending vehicle by respondent No.1. As regards the quantum of compensation in respect of Sunil (injured), his legal representatives were held entitled to the following compensation by the MACT:-

Sr. No.	Heads of Claim	
1.	Age of the injured	36½ years
2.	Notional income of the injured	Rs.8280/- x 12 =Rs.99,360/-
3.	Future prospects @ 40%	Rs.99360/-+ Rs.39744/- Rs.1,39,104/-
4.	After applying Multiplier of ‘15’	Rs.1,39,104/- x 15 =Rs.20,86,560/-
5.	Pain and suffering	Rs.20,000/-
6.	Special Diet	Rs.20,000/-
7.	Medical Bills	Rs.1,81,565/-
	Total Compensation	Rs.23,08,125/-

- 8.1. As regards the quantum of compensation in respect of Sunder Singh (deceased), his legal representatives (Beermati and others) were held entitled to the following compensation by the MACT:-

Sr. No.	Heads of Claim	
1.	Age of the injured	41 years
2.	Notional income of the injured	Rs.8280/- x 12 =Rs.99,360/-
3.	Future prospects @ 25%	Rs.99360/-+ Rs.24840/- Rs.1,24,200/-
4.	Deduction towards personal expenses as 1/4 th	Rs.31,050/-

5.	After applying Multiplier of '14'	Rs.93150/- x 14 =Rs.13,04,100/-
6.	Loss of consortium	Rs.40,000/-
7.	Loss of Estate	Rs.15,000/-
8.	Funeral Expenses	Rs.15,000/-
	Total Compensation	Rs.13,74,100/-

9. Seeking enhancement in compensation, the instant appeals have been preferred.

10. I have heard learned counsel for the parties.

11. Learned counsel for the appellants submits that in so far as the case of Beermati and others is concerned, only Rs.40,000/- was awarded for loss of consortium, whereas in terms of the law laid down by the Hon’ble Supreme Court of India in the case of *National Insurance Company Limited vs. Pranay Sethi and others*, (2017)16 SCC 680 and *Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram*, (2018) 18 SCC 130, consortium was to be paid to all the claimants.

11.1 As regards Sunil’s case is concerned, he submits that no amount for transportation and attendant charges was granted despite the fact that he remained in coma for a long time and was unable to move.

12. During the course of arguments, learned counsel for the parties have arrived at a consensus. It has been agreed that in the case of Beermati and others (FAO-3253-2025), on account of loss of consortium, a sum of Rs.1,93,600/- to four claimants and Rs.8,400/- to one claimant totalling to **Rs.2,02,000/-** over and above Rs.13,74,100/- as assessed by the MACT be awarded, which shall be paid to the claimants within a period of six weeks.

13. As regards the case of Sunil (FAO-4795-2024), it has been agreed that over and above the amount of Rs.23,08,125/-, which has been granted by the MACT, a sum of Rs.1 lakh in lump-sum be paid to the claimants on account of transportation and attendant charges, which shall

also be paid to the claimants within a period of six weeks.

14. Learned counsel for the parties are *ad idem* that both the appeals be disposed of in the above terms.

15. Ordered accordingly.

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

(VIKRAM AGGARWAL)
JUDGE

December 23, 2025
vcgarg

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