



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

Date of Decision: 03.12.2025

FAO-205-2022 (O&M)

1)

Harmesh Kaur and others

....Appellants

V/s

M/s Bindal Transolutions Pvt. Ltd. and others

....Respondents

2)

FAO-1442-2020 (O&M)

New India Assurance Company Ltd.

....Appellant

V/s

Mamta and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Abhishek Kumar Premi, Advocate,
for the appellants in FAO-205-2022 and
for respondents No. 3 and 4 in FAO-1442-2020.

Mr. Vipul Sharma, Advocate and
Mr. Paul S. Saini, Advocate,
for respondent No.4 in FAO-205-2022 and
for the appellant in FAO-1442-2020.

Ms. Neeru Thakur, Advocate for
Mr. Raja Ram Kaushik, Advocate
for respondents No.1 to 3 in FAO-205-2022 and
for respondents No.5 to 7 in FAO-1442-2020.

Mr. Amrindra Pratap Singh, Advocate,
for respondent No.5 in FAO-205-2022 and
for respondents No.1 and 2 in FAO-1442-2020.

VIKRAM AGGARWAL, J. (ORAL)

CM-416-CII-2022 in FAO-205-2022 (O&M)

Prayer in the present application preferred under Section 5 of
the Limitation Act, 1963 is for condonation of delay of 52 days in filing the
appeal.

Heard.

For the reasons mentioned in the application, which is duly

supported by an affidavit, the same is allowed. The delay of 52 days in filing the appeal is condoned.

CM-417-CII-2022 in FAO-205-2022

Prayer in the present application preferred under Order 41 Rule 27 CPC read with Section 151 thereof is for additional evidence and for placing on record additional documents as Annexures A-1 to A-3.

For the reasons mentioned in the application, the same is allowed. Additional documents are taken on record as Annexures A-1 to A-3.

The Registry is directed to tag the same at an appropriate place on the case file.

CM-4316-CII-2020 in FAO-1442-2020

Prayer in the present application preferred under Section 151 CPC is for condonation of delay of 05 days in refiling the appeal.

Heard.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. The delay of 05 days in refiling the appeal is condoned.

FAO-205-2022 and FAO-1442-2020 (O&M)

As both the appeals arise out of the same Award, they are being disposed of by way of this common order. One appeal has been filed by the claimants seeking enhancement in the compensation granted to them vide Award dated 10.10.2019 passed by the Motor Accident Claims Tribunal, Patiala, (for short 'MACT') and the other has been filed by the insurance company against the awarded amount of compensation. However, the facts are being derived from FAO-205-2022.

appellants/claimants, who are the wife, daughter and parents of the deceased Harjeet Singh, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act') claiming compensation on account of death of Harjeet Singh in a motor vehicular accident which took place on 01.05.2017.

3. It was averred that on 01.05.2017, Harjeet Singh was going from Chandigarh to Ambala on his vehicle Tata Magic bearing Regn. No.PB01-A-8621. He was carrying newspapers and was driving his vehicle at a moderate speed on the correct side of the road. At about 4.30 a.m., when he reached on the Bhankarpur Bridge, a truck bearing Regn. No.HR38-R-7251 (hereinafter referred to as the 'offending vehicle') was wrongly parked in the middle of the road without having any lights or indicators by respondent No.3 (Kamal Khan). As a result of the same, the vehicle of Harjeet Singh struck with the offending vehicle and he sustained multiple and grievous injuries. At the time of the accident, he was followed by Jaswinder Singh, who took Harjeet Singh to Civil Hospital, Dera Bassi, where he was declared dead. The matter was reported to the police and FIR No.110, dated 01.05.2017 was registered at Police Station Dera Bassi under Sections 283/304A IPC against respondent No.3. It was averred that Harjeet Singh was earning Rs.50,000/- per month. As such, compensation of Rs.80 lakhs was claimed by the claimants.

4. On notice, respondents No.1 to 3 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 petition was opposed by respondent No.4-insurance company. In the written statement, it took usual defences and denied the factum of the accident.

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

- “1. Whether Harjeet Singh son of Pritam Singh died in a road side accident on 01.05.2017 by rash and negligent driving of Truck bearing Regn. No.HR38-R-7251 owned by respondents No.1 and 2 and driven by respondent No.2OPP
2. Whether the claimants are the legal heirs of deceased Harjeet Singh?OPP
3. If issues No.1 and 2 are proved in favour of the claimants to what extent claimants are entitled to compensation from the respondents, if so to what amount?OPP
4. Whether the claim petition is not maintainable?OPR
5. 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.3. As regards the quantum of compensation, the age of the deceased was assessed as 33 years and his monthly income was assessed as Rs.8000/- per month. All claimants were held to be dependent on the income of the deceased. In terms of the law laid down in the case of *National Insurance Company vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009* and *Sarla Verma vs. DTC, 2009 (6) SCC 121* and keeping in view the age of the deceased, a multiplier of ‘16’ was applied by the MACT. The MACT assessed and granted the following compensation:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	33 years
2.	Income of the deceased	Rs.8,000/-
3.	1/4 th deduction towards personal expenses	Rs.2000/- (Rs.6000/- p.m.)
4.	Future prospects @ 40% Rs.2400+Rs.6000/-	Rs.8400/- per month Rs.8400 X 12 =Rs.1,00,800/-
5.	After applying Multiplier of ‘16’	Rs.1,00,800/- x 16 =Rs.16,12,800/-
5.	Funeral expenses	Rs.15000/-
6.	Loss of Estate	Rs.15000/-
7.	Spouse consortium	Rs.40,000/-
8.	Cost	Rs.10000/-
	Total Compensation	Rs.16,92,800/-

As such, compensation of Rs.16,92,800/- was granted along with interest @ 9% per annum from the date of filing of the claim petition till its actual realization. As it was not proved by the respondent-Insurance company that respondent No.1 was not holding a valid driving licence, the liability to pay the compensation was fastened upon all the respondents jointly and severally.

9. I have heard learned counsel for the appellants.

10. Learned counsel for the appellant (in FAO-1442-2020) and for respondent No.4-insurance company (in FAO-205-2022) has submitted that since the accident took place on a National Highway, it would be a case of contributory negligence since from the facts, it is borne out that the deceased was driving his vehicle at a very high speed. It is on account of this reason that he was not able to see the truck standing on the road and he dashed into the same.

11. *Per contra*, learned counsel for the claimants (appellants in FAO-205-2022 and respondents No.3 and 4 in FAO-1442-2020) has submitted that it came in evidence that the truck was parked in the middle of the road without any lights or indicators as a result of which, it was not visible and the deceased struck his TATA Magic into the offending vehicle.

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

13. Concededly, the offending vehicle was standing in the middle of the National Highway. The accident took place at 4.30 a.m. on 01.05.2017. It is pitch dark at 4.30 a.m. even on 1st May. A heavy vehicle standing in the middle of the road in darkness without any indication or lights is a hazard to the traffic and vehicles coming from behind. Under the

negligent. Further, this stand was also not taken in the written statement.

14. Be that as it may, the manner in which the truck was parked in the middle of the road and the vehicle being driven by the deceased, struck into it at 4.30 a.m. leaves no doubt in the mind of the Court that it was a rash and negligent act of respondent No.3 (in FAO-205-2022), who was the driver of the offending vehicle. Under the circumstances, the MACT rightly held that the accident as a result of which, Harjeet Singh expired had taken place on account of rash and negligent act of the driver of the offending vehicle.

15. Coming now to the issue of enhancement in compensation, the MACT assessed the income of the deceased as Rs.8,000/- per month as an unskilled worker and the monthly remuneration fixed for a skilled worker was Rs.9245/-. Being a driver, his income should have been assessed at Rs.9245/- per month. As such, keeping in view 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, this Court assesses the income of the deceased as Rs.9245/- per month as skilled worker. As regards claim of filial consortium, the same would be @ Rs.48,400/- for each dependant (for all the claimants).

16. Having considered the submissions made by learned counsel for the parties, the compensation is assessed as under, keeping in mind the principles enunciated by the Hon’ble Supreme Court of India:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	33 years	33 years (No change)
2.	Income of the deceased	Rs.8,000/-	Rs.9245/-
3.	1/4 th deduction towards personal expenses	Rs.2000/- (Rs.6000/- p.m.)	Rs.2311.25/- (Rs.6933.75/-)

4.	Future prospects @ 40% of Rs.8000/- (Rs.8000+Rs.2400/-)	Rs.2400 (40%) +Rs.6000/- p.m. Rs.8400 X 12 =Rs.1,00,800/- p.a.	Rs.2773.5 (40%) +Rs.6933.75/- p.m =Rs.9707.25/- x 12 =Rs.1,16,487/- p.a.
5.	After applying Multiplier of '16'	Rs.1,00,800/- x 16 =Rs.16,12,800/-	Rs.1,16,487/-x 16 =Rs.18,63,792/-
6.	Funeral expenses	Rs.15000/-	Rs.18150/-
7.	Loss of Estate	Rs.15000/-	Rs.18,150/-
8.	Spouse consortium	Rs.40,000/-	Rs.1,93,600/- (Rs.48,400/- x 4)
	Total Compensation	Rs.16,82,800/-	Rs.20,93,692/-

The total compensation, therefore, comes to Rs.20,93,692/-

After deducting a sum of Rs.16,82,800/- as assessed by the MACT, the balance compensation comes to Rs.4,10,892/-. 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.

17. Accordingly, FAO-205-2022 is disposed of in the above terms and FAO-1442-2020 filed by the insurance company stands dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

December 03, 2025
vcgarg

Whether speaking/reasoned:Yes/No

Whether reportable:Yes/No