

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****124****FAO-3710-2024(O&M)****Date of decision: 13.11.2025****The New India Assurance Company Limited****...Appellant(s)****Vs.****Ravinder Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Satpal Dhamija, Advocate
for the appellant.

*********NIDHI GUPTA, J.****CM-13494-CII-2024**

This is an application under Section 5 of the Limitation Act for
condonation of delay of 6 days in filing the appeal.

After going through the contents of the application, which is
supported by affidavit, the same is allowed subject to all just exceptions and
delay of 6 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by the Insurance Company
assailing the Award dated 04.04.2024 passed by the Motor Accident Claims
Tribunal, Karnal (hereinafter 'the learned Tribunal') whereby Claim Petition
No.491 dated 12.08.2021 filed by the claimants/respondents no.1 and 2



herein, has been allowed and claimants have been awarded compensation of Rs.15,73,408/-. The 2 claimants are of the parents of deceased Ansh.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Ansh had died due to the injuries suffered by him in a motor vehicular accident that took place on 14.07.2021 due to the rash and negligent driving of truck bearing registration No.HR-67B-3254 (hereinafter “the offending vehicle”) being driven by respondent No.3, owned by respondent No.4, and insured by the appellant. The aforesaid compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellant submits that the challenge is laid to the impugned Award only on ground of quantum of compensation. It is submitted that the learned Tribunal has taken income of the deceased as Rs.9,804/- per month on the basis of Minimum Wages. It is submitted that the deceased was only a 16-year-old student. In the Claim Petition, in the column of “Income”, the claimants had clearly mentioned “Not Applicable.” In these circumstances and in view of various judgments of Hon’ble Supreme Court in case of non-earning member being student at the most notional income is liable to be taken into consideration and without adding future prospects and without deducting qua personal



expenses, appropriate multiplier is liable to be applied. Thus, income of the deceased is liable to be considered as Rs.50,000/- per annum and relevant multiplier of 18 is liable to be applied. Consequently, the amount of compensation is liable to be reduced.

4. Learned counsel further submits that deduction ought to have been made towards composite negligence as the deceased was pillion riding on a motorcycle which hit into the stationary truck/offending vehicle. Therefore, no negligence on part of the offending vehicle is made out. Rather, it is clear that the deceased had died due to the negligence of the driver of the motorcycle on which he was pillion riding. Learned counsel accordingly prays that the impugned Award be modified as above.

5. No other argument is made on behalf of the appellants. I have heard learned counsel and perused the case file in detail. I find no merit whatsoever in the submissions advanced on behalf of the appellant.

6. The submissions of learned counsel for the appellant in respect of the income of the deceased are in direct contradiction of the facts as recorded by the Id. Tribunal in Para 27 of the impugned Award, as follows:-

*“27. As regards **income of deceased Ansh** although petitioners in their claim petition pleaded that deceased was earning ₹25,000/- per month by giving training in Martial art and such fact was reiterated by PW1 Ravinder Singh in his examination-in-chief. Learned counsel for the claimants has also placed on record Certificate of Appreciations in securing first position in District Karnal WUSHU Ex.P-8 and other appreciations*



certificates Ex.P-9 to Ex.P-21 which are issued prior to the year 2017. Meaning thereby it shows that he has not taken part in the WUSHU Championship anywhere in India after 2017. Hence, keeping in view the age of deceased Ansh and bright future, this court is of the view that income of deceased, at the best can be considered as Rs.9804/-."

7. Clearly, therefore, contentions of the appellant in respect of the income of the deceased are factually incorrect.

8. Accordingly, learned Tribunal had awarded compensation in the following manner:-

Head	Amount
Income	Rs.9,804/-
Future prospects of 40%	Rs.3,922/- (Rs.9,804/- + Rs.3,922/- = Rs.13,726/-)
50% deduction as personal expenses	Rs.13,726/- - Rs.6,863/- = Rs.6,863/-
Multiplicand	Rs.6,863/- x 12 = Rs.82,356/-
Multiplier	18
Loss of dependency	Rs.14,82,408/-
Loss of estate	Rs.19,500/-
Loss of consortium	Rs.52,000/-
Funeral expenses	Rs.19,500/-
Total	Rs.15,73,408/-

9. As regards the argument of learned counsel for the appellant with regard to composite negligence, I find no merit in the same as admittedly, no one has stepped into the witness box on behalf of the appellant/Insurance Company before the learned Tribunal to rebut the evidence led by the claimants. In this view of the matter, I find no ground is



made out to interfere in the impugned Award. The present appeal accordingly stands **dismissed**.

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

13.11.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No