

2025-PHHC-173705



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

FAO-4416-2023 (O&M)

Date of Decision: 10.12.2025

KULVIR SINGH AND OTHERS

...Appellants

Versus

GURWINDER SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present:- Mr. I.S. Kooner, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.4-Insurance Company.

VIKRAM AGGARWAL, J.

1. The instant appeal has been preferred by the appellants/claimants (Kulvir Singh, Muskan Saini and Harman Singh) who are the major son, major daughter and minor son of Hardeep Kaur, who had expired in a Motor Vehicular Accident which took place on 08.05.2019.

2. The appellants/claimants instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act'), seeking compensation of Rs.25 lakhs on account of the death of their mother Hardeep Kaur. It was averred that on 08.05.2019, Hardeep Kaur had gone from her parental house at Tanda to Dasuya in connection with some personal work on a Scooty bearing registration No.PB-07-A-3912. She was driving the same slowly and carefully. At

about 11:15/11:30 AM, when she reached in the area of Village Khudda on Tanda-Dasuya road, a car bearing registration No. PB-01-A-5122 (hereinafter referred to as 'the offending vehicle') which was being driven by respondent No.1 (Gurwinder Singh) at a very high speed and in a rash and negligent manner, struck her from behind. Hardeep Kaur fell from the Scooty and received serious injuries. She was taken to Civil Hospital, Dasuya from where she was referred to Oxford Hospital, Jalandhar, but she expired.

3. It was averred that the accident had been witnessed by Bikram Singh, Manjit Singh, Harjinder Singh and other persons who were present at the place of the accident. FIR No.53 dated 09.05.2019 was registered under Sections 279 & 304-A IPC at Police Station Dasuya District Hoshiarpur, on the statement of the brother of the deceased namely Harjit Singh.

4. It would be essential to note that respondent No.5 (Balwant Singh) was impleaded as a proforma respondent, being the second husband of the deceased (Hardeep Kaur). The claimants are the children from her first marriage with Surjeet Singh, who had expired.

5. The driver of the car and Balwant Singh did not contest the petition and were proceeded against *ex parte*. The owner of the offending vehicle opposed the claim petition by way of a written statement wherein all averments, including the factum of the accident were denied.

6. The Insurance Company (respondent No.4) also raised its usual defences and denied all averments, including the factum of the accident.

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

“1. Whether Hardeep Kaur wd/o Surjeet Singh died in vehicular accident on 08.05.2019 due to rash and negligent driving of car bearing No. PB-01-A-5122 i.e. by the respondent No.1? OPP

2. If the issue No.1 is proved, to what amount of compensation, the claimants are entitled for and from whom ? OPP

3. Whether the present claim petition is not maintainable? OPR-4

4. Whether the respondent No.1 was not holding a valid and effective driving license and other documents i.e. registration certificate, route permit, fitness certificate at the time of accident, and its effect upon compensation? OPR-4

5. Relief.”

8. Parties led their respective evidence.

9. Under issue No.1, it was found by the MACT that the accident as a result of which Hardeep Kaur had expired, had taken place on account of the rash and negligent driving of the offending vehicle by respondent No.1.

10. On the quantum of compensation, the age of Hardeep Kaur was assessed as 36 years. Relying upon the judgments in the

cases of **Arun Kumar Aggarwal Vs National Insurance Company Ltd., (2010) 9 SCC 218; Rajinder Singh Vs National Insurance Company Ltd., 2020 SCC online SC 521 and Kirti Vs Oriental Insurance Company Limited, 2021 AIR (Supreme Court) 353**, the monthly income of the deceased was taken to be Rs.9,000/-. Thereafter, while relying upon the ratio laid down by the Hon’ble Supreme Court of India in the cases of **National Insurance Company Limited vs. Pranay Sethi and Ors., 2018 (2) SCC (cri) 205; Smt. Sarla Verma and Ors. vs. Delhi Transport Corporation and Anr. 2009 (6) SCC 121 and Magma General Insurance Company Ltd. vs. Nanu Ram @ Chuhru Ram, (2018) 18 SCC 130**, the MACT assessed the compensation as under:-

Sr. No.	Heads of Claim	Calculation
i)	Annual income	Rs. 9000/- X 12=Rs.1,08,000/-
ii)	40% of (i) above to be added as future prospects	Rs.43,200/-
iii)	Total annual income of deceased	Rs.1,51,200/-
iv)	Personal and living expenses (1/3rd)	Rs.50,400/-
v)	Income after deduction of personal and living expenses	Rs.100800/-
vi)	Multiplier	15(Fifteen)
vii)	Loss of dependency	100800/- X 15= Rs.15,12,000/-
viii)	Loss of parental aid to claimants No.1 to 3.	44,000/- X 3 = Rs.1,32,000/-
ix)	Loss of estate	Rs.16,500/-
x)	Funeral expenses	Rs.16,500/-
	Total	Rs.16,77,000/-

The liability to satisfy the claim was held to be that of the Insurance Company.

11. I have heard learned counsel for the parties.

12. Learned counsel for the appellants has submitted that the MACT erred in assessing the notional income of the deceased as Rs.9,000/- per month, whereas the income as per the minimum wages for a skilled worker, ought to have been assessed. It has been submitted that the minimum wages for a skilled worker at the relevant time, were Rs.10,128/- per month. He submits that the compensation, therefore, deserves to be enhanced accordingly. He further submits that the amount of compensation awarded under the heads of loss of estate, funeral expenses and parental age/consortium also deserves to be enhanced. Learned counsel has submitted that no deduction for personal expenses should have been made. In support of his contentions, learned counsel placed reliance upon the judgments in the cases of **United India Insurance Co. Ltd. Vs. Sube Singh**, (Law Finder Doc Id # 795212); **Dharampal and Others Vs. Krishan Kumar and Others** (FAO-6053-2015 decided on 08.10.2018) and **National Insurance Company Limited Vs. Dhan Singh and Others**, 2019(3) PLR 301.

13. *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 monthly income of the deceased at Rs.9,000/-. However, he could not deny 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).

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

15. There is no challenge to the award by either side on the issue of negligence and only enhancement in compensation has been claimed. The MACT assessed the monthly income of the deceased at Rs.9,000/-. It was the case of the claimants that the deceased had been doing dairy farming and was having 10 buffaloes. The income of a skilled worker at the relevant time in the State of Punjab was Rs.10,138/- per month. Therefore, the monthly income of the deceased should be taken as Rs.10,138/-. Further, in terms of the ratio laid down by the Hon’ble Supreme Court of India in **Pranay Sethi’s case** (supra), filial consortium, @ Rs.48,400/- for each dependant (for all the claimants) was required to be granted. Still further, for funeral expenses and loss of estate, Rs.18,150/- for each head was also required to be awarded. Deduction for personal expenses shall also be made as was done in the case of **Kirti (supra)**. Thus, the total compensation payable to the claimant would be as under:-

Sr. No.	Heads of Claim	Calculation	Enhanced Compensation
i)	Annual income	Rs. 9000/- X 12=Rs.1,08,000/-	Rs.10128/- X 12=Rs.1,21,536/-
ii)	40% of (i) above to be added as future prospects	Rs.43,200/-	Rs.48614.4/-
iii)	Total annual income of deceased	Rs.1,51,200/-	Rs.1,70,150.4/-
iv)	Personal and living expenses (1/3rd)	Rs.50,400/-	Rs.56,716/-
v)	Income after deduction of personal and living expenses	Rs.1,00800/-	Rs.1,13,433/-
vi)	Multiplier	15(Fifteen)	No Change
vii)	Loss of dependency	100800/- X 15=Rs.15,12,000/-	1,13,433/- X 15=Rs.17,01,495/-
viii)	Loss of parental aid	44,000/- X 3 =	48,400/- X

	to claimants No.1 to 3.	Rs.1,32,000/-	3=1,45,200/-
ix)	Loss of estate	Rs.16,500/-	Rs.18,150/-
x)	Funeral expenses	Rs.16,500/-	Rs.18,150/-
	Total	Rs.16,77,000/-	18,82,995/-

16. The total compensation, therefore, comes to Rs. 18,82,995/-. After deducting a sum of Rs.16,77,000/- as assessed by the MACT, the balance compensation comes to Rs.2,05,995/-. 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 reward.

17. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

10.12.2025
himanshu

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