



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

FAO-4975-2023 (O&M)
Date of Decision: 28.11.2025

Jag Roshni and others

....Appellants

V/s

Imran and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Susheel Gautam, Advocate, for the appellants.
Mr. Vinod Gupta, Advocate,
for respondent No.3-Insurance Company.

VIKRAM AGGARWAL, J. (ORAL)

CM-16957-CII-2023

Prayer in the present application preferred under Section 5 of the Limitation Act, 1963 is for condonation of delay of 185 days in filing the appeal.

Notice of the application.

Mr. Vinod Gupta, Advocate accepts notice on behalf of respondent No.3-insurance company.

Learned counsel for respondent No.3 submits that he would have no objection if the present application is allowed.

In view of the submissions set out in the application which is duly supported by an affidavit, as also keeping in view the no objection given by learned counsel for respondent No.3, the present application is allowed and the delay of 185 days in filing the appeal is condoned.

FAO-4975-2023

Claimants have preferred the instant appeal seeking enhancement in compensation granted to them vide award dated 01.11.2022 passed by the Motor Accident Claims Tribunal, Sonapat (for short

2. The facts, as emanating from the paper book, are that appellants/claimants, who are the wife and children of the deceased-Naresh Chand, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act') claiming compensation on account of death of Naresh Chand in a motor vehicular accident which took place on 08.12.2020.

3. It was averred that Naresh Chand was a Taxi/Cab driver and was engaged with OLA Cabs. On 08.12.2020, Naresh Chand after boarding two passengers through OLA Cabs company in his Taxi bearing Regn. No.UP14-HT-1150, proceeded towards Panipat. When he reached at Jakhauli Toll Plaza and was waiting for his turn at the toll plaza, a Truck bearing Regn. No.RJ14-GK-6464 (hereinafter referred to as the 'offending vehicle'), being driven by respondent No.1 (Imran) came from behind at a very high speed in a rash and negligent manner and hit the car of Naresh Chand including car bearing Regn. No.HR51-BC-1733, which was ahead of his car. As a result of the same, Naresh Chand and other occupants of his taxi sustained multiple grievous injuries. Passengers of the other car also sustained serious injuries. Naresh Chand was taken to General Hospital, Sonapat, where he was declared dead (hereinafter referred to as "the deceased"). One of the co-passengers also expired. On the complaint of one Dishant Bansal, FIR No.413, dated 08.12.2020 was registered at Police Station Rai, Sonapat under Sections 279/337/304A IPC. It was averred that Naresh Chand was earning Rs.75,000/- per month. As such, compensation of Rs.2 crores was claimed by the claimants.

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

5. The claim petition was opposed by respondent No.3-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 the accident in question took place on 08.12.2020 on account of rash and negligent driving by respondent No.1, while driving the offending vehicle i.e. Truck bearing Regn. No.RJ14-GK-6464 resulting in the death of Naresh Chand son of Charan Singh, as alleged?OPP
2. Whether petitioners are entitled to get compensation. If so, how much and from whom?OPP
3. Whether the insured has violated the terms and conditions of insurance policy?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 driving of the offending vehicle by respondent No.1. As regards the quantum of compensation, the age of the deceased was assessed as 48 years and his monthly income was assessed as Rs.11327/- 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 ‘13’ was applied by the MACT. The MACT assessed and granted the following compensation:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	48 years
2.	Income of the deceased	Rs.11,327/-
3.	Future prospects @ 25%	Rs.11,327+Rs.2832/- = Rs.14159/- per month (Rs.1,69,908/- per annum)
4.	After deducting 1/5 th of the income as personal expenses of the deceased	Rs.1,35,926/-

	(Rs.33982/-)	
5.	After applying Multiplier of '13'	Rs.1,35,926/- x 13 =Rs.17,67,038/-
5.	Funeral expenses	Rs.16,500/-
6.	Loss of Estate	Rs.16,500/-
7.	Spouse consortium	Rs.40,000/-
8.	Parental consortium (for 6 children)	Rs.40,000/-
8.	Total Compensation	Rs.18,80,038/- rounded off to Rs.18,80,000/-

As such, compensation of Rs.18,80,000/- was granted along with interest @ 7.5% 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 appellants submits the MACT erred in assessing the income of the deceased on the lower side despite the fact that the deceased was having his own car and was engaged with OLA Cabs Company as Taxi Driver. He was used to earn Rs.75,000/- per month. He refers to agreement to sell (Ex.P-3), vide which the car was purchased and bank account statement (Ex.P19). He further submits that the compensation deserves to be enhanced 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. Learned counsel submits that compensation under conventional heads was not granted in terms of the judgment of the Supreme Court of India in *National Insurance Company Limited Vs.*
- VIKAS CHANDER
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I attest to the accuracy and
integrity of this document

Pranay Sethi and others, 2017 (4) RCR (Civil) 1009. As regards claim of filial consortium, it has been submitted that the same would be @ Rs.48,000/- for each dependant (for all the claimants).

11. *Per contra*, learned counsel for the insurance company submits that adequate compensation has been granted. However, he could not deny about the consortium/filial compensation.

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

13. It is not in dispute that the deceased was a taxi driver and ownership of the said car was not challenged by the respondents. The MACT considered the evidence relied upon by the claimants and held that the claimants failed to prove the actual income of the deceased. Mere assertions would not be sufficient to conclude that the deceased was earning Rs.75,000/- per month. It has to be borne in mind that though the Motor Vehicles Act, 1988 is a welfare legislation, the claimants are required to prove their case by leading cogent evidence, which the appellants failed to do and the MACT rightly considered the wages of the deceased equal to that of a driver. As regards filial consortium, it is an admitted fact that the deceased was having 6 children and most of them were dependent upon his income as the deceased was the sole bread earner of the family. Under the circumstances, a sum of ₹48,000/- to each of the claimants is required to be awarded on account of filial consortium.

14. 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	48 years	48 years

			(No change)
2.	Income of the deceased	Rs.11,327/-	Rs.11,327/- (No change)
3.	Future prospects @ 25% Rs.11,327+Rs.2832/- = Rs.14159/- p.m.	Rs.1,69,908/- p.a.	Rs.1,69,908/- p.a. (No change)
4.	After deducting 1/5 th of the income as personal expenses of the deceased (Rs.33982/-)	Rs.1,35,926/- p.a.	Rs.1,35,926/- p.a. (No change)
5.	After applying Multiplier of ‘13’	Rs.1,35,926/- x 13 =Rs.17,67,038/-	Rs.1,35,926/- x 13 =Rs.17,67,038/- (No change)
6.	Funeral expenses	Rs.16,500/-	Rs.18000/-
7.	Loss of Estate	Rs.16,500/-	Rs.18,000/-
8.	Spouse consortium	Rs.40,000/-	Rs.48,000/-
9.	Parental consortium (for 6 children)	Rs.40,000/-	Rs.2,88,000/- (Rs.48,000/- each)
10.	Total Compensation	Rs.18,80,038/- rounded off to Rs.18,80,000/-	Rs.21,39,038/- rounded off to Rs.21,40,000/-

The total compensation, therefore, comes to Rs.21,40,000/-.

After deducting a sum of Rs.18,80,000/- as assessed by the MACT, the balance compensation comes to Rs.2,60,000/-. 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.

14.
- The present appeal is accordingly disposed of.
- Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)

JUDGE

November 28, 2025

vcgarg

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No