



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

FAO-2472-2018 (O&M)
Date of Decision: 02.12.2025

Surjeeto Kaur and others

....Appellants

V/s

Jahid and another

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Dr. Anand Kumar Bishnoi, Advocate, for the appellants.
Mr. Punit Jain, Advocate, for respondent No.2.

VIKRAM AGGARWAL, J. (ORAL)

Claimants have preferred the instant appeal seeking enhancement in compensation granted to them vide Award dated 07.11.2017 passed by the Motor Accident Claims Tribunal, Palwal (for short 'the MACT').

2. The facts, as emanating from the paper book, are that appellants/claimants, who are the wife and children of the deceased-Gopal Singh, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act') claiming compensation on account of death of Gopal Singh in a motor vehicular accident which took place on 16.07.2016.

3. It was averred that on 16.07.2016, Gopal Singh along with his brother Avtar Singh was going from Palwal to Hasanpur on his motor-cycle bearing Regn. No.RJ02-SG-0897 at a moderate speed on the correct side of the road. At around 3.00 p.m., when they crossed Village Pingod, a truck bearing Regn. No.UP16-DT-5375 (hereinafter referred to as the "offending vehicle"), came from the opposite side. It was being driven by respondent No.1 (Jahid) at a very high speed and in a rash and negligent manner. It

struck the motorcycle of Gopal Singh. As a result of the same, Gopal Singh

was run over by the offending vehicle and he suffered serious multiple injuries, including head injury. However, Avtar Singh fell aside and fortunately escaped unhurt. Gopal Singh (hereinafter to be referred to as the “deceased”) was taken to General Hospital, Palwal, from where, he was referred to Shaheed Hassan Khan Mewati Govt. Hospital & Medical College, Nalhar (Mewat), where he was admitted and underwent surgery but unfortunately expired on account of the injuries suffered by him. The motorcycle of the deceased was also totally damaged. The matter was reported to the police and FIR No.468, dated 20.07.2016 was registered at Police Station Sadar Palwal under Sections 279, 337, 427, 304A IPC.

3.1 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. It was averred that Gopal Singh was earning Rs.25,000/- per month and was doing the work of milk vending and farming. As such, compensation of Rs.70 lakhs was claimed by the claimants. On account of the damages to the motor-cycle in the said accident, a separate claim petition was also filed by the claimants claiming compensation of Rs.25000/-. Both claim petitions were consolidated and common issues were framed.

4. On notice, respondent No.1 (driver-cum-owner of the offending vehicle) appeared and filed his written statement. He denied all the averments made in the petition including the factum of the accident.

5. The claim petition was opposed by respondent No.2-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 issues were framed:

“1. Whether the accident took place due to rash and negligent driving of vehicle bearing No.UP16-DT-5375 by respondent No.1 and caused injuries to Gopal since deceased and damage to his Hero Honda

*Spelendor Motor Cycle bearing Regn. No.RJ02-SG-0897, as alleged ?
OPP*

*2. Whether the claimants are entitled to compensation, if so to what
amount and from whom?OPP*

*3. Whether the respondent No.1 was not holding a valid and
effective driving licence at the time of accident?OPR*

*4. Whether the respondent has violated the terms and conditions of
insurance policy?OPR*

5. Whether the insurer is liable to indemnify the insured?OPR

*6. Whether the petitions are not maintainable in the present
form?OPR*

*7. Whether the petitioners have no locus standi to file the present
petitions?OPR*

*8. Whether the petitioners have no cause of action to file the present
petitions?OPR*

9. 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 50 years and his monthly income was assessed as Rs.8100/- 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)* 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	50 years
2.	Income of the deceased	Rs.8100/-
3.	Future prospects @ 25%	Rs.8100+Rs.2025/- = Rs.10125/- per month
4.	After deducting 1/4 th of the income as personal expenses of the deceased (Rs.2531/- per month)	Rs.10125-2531= Rs.7594/- X 12 =Rs.91128/- per annum

5.	After applying Multiplier of '13'	Rs.91128/- x 13 =Rs.11,84,664/-
6.	Funeral expenses	Rs.15,000/-
7.	Loss of Estate	Rs.15,000/-
8.	Spouse consortium	Rs.40,000/-
	Total Compensation	Rs.12,62,436/-

As such, compensation of Rs.12,62,436/- 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. On account of damages to the motorcycle, a sum of Rs.22559/- was separately awarded to the claimants along with interest @ 7.5% per annum from the date of filing of the claim petition till its actual realization. Rs.1500/- for each petitions was also awarded as litigation charges.

9. I have heard learned counsel for the parties.
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 earning Rs.25,000/- per month and was doing the work of milk vending and farming. He further submits that the compensation should have been awarded by the MACT keeping 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. 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.48,400/- 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 being payable.

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

13. There is no challenge to the Award by either side on the issue of negligence and only enhancement in compensation is claimed. 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	50 years	50 years (No change)
2.	Income of the deceased	Rs.8100/-	Rs.8100/- (No change)
3.	Future prospects @ 25%	Rs.8100+ Rs.2025/- = Rs.10125/- per month	Rs.10,125/- (No change)
4.	After deducting 1/4 th of the income as personal expenses of the deceased (Rs.2531/- per month)	Rs.10125-2531= Rs.7594/- X 12 =Rs.91128/- per annum	Rs.91,128/- per annum (No change)
5.	After applying Multiplier of ‘13’	Rs.91128/- x 13 =Rs.11,84,664/-	Rs.11,84,664/- (No change)
6.	Funeral expenses	Rs.15000/-	Rs.18150/-
7.	Loss of Estate	Rs.15000/-	Rs.18150/-
8.	Filial consortium for spouse	Rs.40000/-	Rs.48400/-
9.	Filial consortium for Children	Not granted	Rs.1,93,400/- (Rs.48400/- each for 4 children)
10.	Total Compensation	Rs.12,62,436/-	Rs.14,62,764/-

			rounded off to Rs.14,63,000/-
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The total compensation, therefore, comes to Rs.14,63,000/-.

After deducting a sum of Rs.12,62,436/- as assessed by the MACT, the balance compensation comes to Rs.2,00,564/-. 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

December 02, 2025

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