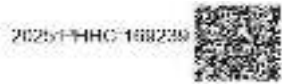


FAO-6176-2024 (O&M)
FAO-619-2025 (O&M)

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

Date of decision : 03.12.2025

FAO-6176-2024 (O&M)
PRIYANKA DEVI AND ORSAppellants
Versus

HARENDER AND ORS ...Respondents

FAO-619-2025 (O&M)
THE NEW INDIA ASSURANCE CO. LTDAppellant
Versus

PRIYANKA DEVI AND ORS ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Yashveer Kharb, Advocate
for the appellants in FAO-6176-2024 and
for the claimants/respondent No.1 to 4 in FAO-619-2025 and

Mr. Lalit Garg, Advocate for the appellant in FAO-619-2025
for the respondent/Insurance Co. in FAO-6176-2024

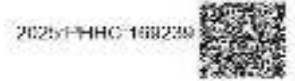
PANKAJ JAIN, J. (ORAL)

CM-23279-CII-2024 in FAO-6176-2024

This is an application filed under Section 5 of Limitation Act
seeking condonation of delay of 10 days in filing the instant appeal.

For the reasons recorded in the application, this Court is
satisfied that the applicants/appellants have made out a sufficient cause for
condonation of delay.

Consequently, the present application is allowed. The delay of
10 days in filing the instant appeal is hereby condoned.



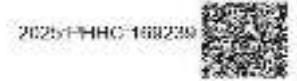
These are two cross-appeals. Subject matter of challenge is award passed by MACT, Panipat whereby the claim petition filed by the legal representatives of deceased Manjeet, who died in a motor-vehicular accident dated 15.03.2016 at the age of 24 years, has been allowed awarding a total compensation of ₹27,98,600/-.

2. FAO No.619 of 2025 is at the behest of the Insurance Company challenging the liability of the Insurance Company on the ground that it is a case of false implication of the vehicle.

3. FAO No.6176 of 2024 is at the behest of the claimants seeking enhancement of compensation.

4. Mr. Garg, counsel for the Insurance Company, has assailed the findings recorded by the Tribunal on Issue No.1 claiming that it is a case of a hit and run which has been disguised as an accident caused due to rash and negligent driving of respondent No.1. He submits that after the vehicle driven by respondent No.1 was hit by an unknown vehicle and the details of the same could not be ascertained, a story has been concocted to claim rash and negligent driving of respondent No.1 to be the cause of accident. Respondent No.1, who happens to be friend of the deceased connived with the claimants.

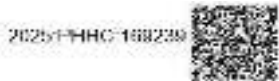
5. Having heard counsel for the parties and after carefully perusing the records of the case, this Court finds that the Tribunal relied upon testimonies of PW3 Jasbir and PW4 Ajay Kundu. Admittedly, both of



them were travelling in the same car which met with an accident leading to death of deceased Manjeet. Both the injured witnesses admitted before the Tribunal and testified that the car was being driven by respondent No.1 at a very high speed of 100-120 Km. per hour. Despite he being advised by the co-occupants not to drive that fast, respondent No.1 kept on speeding up the vehicle, which led to the accident. Respondent No.1 Harender, opted not to appear in the witness-box. PW3 and PW4 were cross examined by insurer but veracity of their testimony could not be ruptured. Apart therefrom, it has also come on record that FIR was registered *qua* the accident by uncle of the deceased namely Brajeh Kundu. The report under Section 173 Cr.P.C. was filed by the police authorities. After police investigation, respondent No.1, has been challaned to face prosecution *qua* offences punishable under Section 279/337/338/304-A/427 IPC.

6. In view thereof, this Court finds that no fault can be found with the findings recorded by the Tribunal *qua* Issue No.1. Thus, the findings are hereby affirmed.

7. Mr. Garg has drawn attention of this Court to the compensation awarded by the Tribunal. He submits that Tribunal has assessed monthly income of the deceased as Rs.12,000/- per month without any evidence. He submits that on the date of accident, the minimum wages as notified by the State of Haryana, were ₹8000/- for unskilled labourer.



8. Counsel for the respondents/claimants is not in position to dispute the said fact. He, however, submits that the amount under conventional heads as well as for loss of consortium, needs to be enhanced.
9. In view of rival contention raised by counsel for the parties, the compensation is re-computed as under:

Sr. No.	Heads	Calculation
i)	Income	Rs.8,000/- per month
ii)	40% of (i) to be added as future prospects	Rs.8,000/- + 3200/- = Rs.11,200/-
iii)	1/4th deducted as personal expenses of the deceased.	Rs.11,200 – Rs.2,800/-=Rs.8,400/-
iv)	Multiplicand (annualized by multiplier 12)	Rs.8,400/- X 12 = Rs.1,00,800/-
v)	Multiplier	18
vi)	Loss of dependency (Rs.1,00,800/-x18)	Rs.18,14,400/-
vii)	Loss of Estate	Rs.18,000/-
viii)	Loss of Consortium	Rs.48,000/-X 4 = Rs.1,92,000/-
ix)	Funeral expenses	Rs.18,000/-
x)	Total Compensation	Rs.20,42,400/-

10. The apportionment of the compensation awarded herein-above shall abide by the observations made by Tribunal in Paras 41 and 42.
11. The appeals are disposed off, accordingly.
12. Pending application, if any, shall also stands disposed off.
13. A copy of this order be kept on the file of other connected case.

December 03, 2025

Dpr

Whether speaking/reasoned

Whether reportable

(Pankaj Jain)

Judge

: Yes/No

: Yes/No