

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 22.05.2026

1.

FAO-5690-2002 (O&M)

GIAN SINGH AND ANOTHER

....Appellants

VERSUS

SATWINDER GHORIA @ PAPPU AND OTHERS

...Respondents
2.

FAO-5691-2002

GIAN SINGH AND ANOTHER

....Appellants

VERSUS

GURBACHAN SINGH AND OTHERS

...Respondents

1.	Judgment reserved on	20.04.2026
2.	Judgment pronounced on	22.05.2026
3.	Judgment uploaded on	22.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	-NA-

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued by : Mr. Sutikshan Sharma, Advocate
for the appellant(s).

Mr. Vishal Sharda, Advocate
for respondent No.1.

Ms. Pratula Sethi, Advocate
for respondent No.3-Oriental Insurance Company.



YASHVIR SINGH RATHOR. J.

1. The aforesaid two appeals have been instituted against the Award dated 01.10.2002 passed by Motor Accident Claims Tribunal, Karnal (**for short “Tribunal”**) in the petitions under Section 166 of Motor Vehicles Act, 1988, filed by the appellants, seeking compensation on account of deaths of Balwinder Singh and Shobha Rani in a motor vehicular accident.

2. Claim petition No.32 of 2000, titled Gian Singh and another Vs. Satwinder Ghoria @ Pappu and others was instituted by parents of the deceased Balwinder Singh for grant of compensation on account of death of Balwinder Singh due to rash and negligent driving on the part of respondent No.1, while driving offending truck No.HR-07-4187, owned by respondent No.2 and insured with respondent No.3.

3. Claim petition No.33 of 2000, titled Gian Singh and another Vs. Gurbachan Singh and others was instituted by parents-in-law of the deceased Shobha Rani for grant of compensation on account of death of Shobha Rani in the same accident.

4. From the pleadings of parties, following issues were framed by learned MACT in claim petition No. MACT-32-2000:-

“1. Whether the deceased Balwinder Singh had died in a roadside vehicular accident which had occurred on 01.02.2000 in the area of P.S. Ladwa on account of rash and negligent driving of Truck No.HR-07-4187 by respondent Satwinder Singh? OPP.

2. Whether the claimants are entitled to be compensated



for the loss of life of Balwinder Singh, if so to what extent and by whom? OPP.

3. *Whether the respondent no.1 Satwinder Singh was not holding a valid licence and as such he was driving the above truck in violation of terms of the insurance policy, if so, its effect? OPR3.*

4. *Relief.”*

5. From the pleadings of parties, following issues were framed by learned MACT in claim petition No. MACT-33-2000:-

“1. *Whether the deceased Smt. Shobha Rani had died in a roadside vehicular accident which had occurred on 01.02.2000 in the area of P.S. Ladwa on account of rash and negligent driving of Truck No.HR-07-4187 by respondent Satwinder Singh? OPP.*

2. *Whether the claimants are entitled to be compensated for the loss of life of Smt. Shobha Rani, if so to what extent and by whom? OPP.*

3. *Whether the respondent no.1 Satwinder Singh was not holding a valid licence and as such he was driving the above truck in violation of terms of the insurance policy, if so, its effect? OPR3.*

4. *Relief.”*

6. Thereafter, the parties led evidence in support of their case.

7. After hearing the parties and on going through the material on file, learned Tribunal awarded a sum of Rs.1,38,900/- as compensation in claim petition No.MACT-32-2000 to the claimants Gian Singh and another, on account of death of their son Balwinder Singh along with



interest @ 12% per annum from the date of filing of claim petition till realization payable by respondents No.1 to 3, jointly and severally. However, claim petition No.MACT-33-2000 filed by parents-in-law of the deceased Shobha Rani was ordered to be dismissed.

8. Feeling aggrieved, the appeals in hand have been preferred. The material on file has been perused and parties have been heard.

9. The only issue required to be determined in the present appeals relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under Issue No.1 that the accident had occurred due to the rash and negligent driving on the part of respondent No.1-Satwinder Ghorla @ Pappu while driving offending truck No.HR-07-4187, owned by respondent No.2 and insured with respondent No.3. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required to be interfered with.

10. Learned counsel for the appellants in FAO-5690-2002 argued that the impugned award vide which compensation of Rs.1,38,900/- has been awarded is based on conjectures and surmises and is liable to be modified and enhanced amount of compensation should be awarded. Learned counsel contended that income of the deceased has been assessed on lower side. Future prospects have also not been added to the monthly income. Learned counsel further contended that deceased was 24/25 years of age and multiplier of 16 has been applied whereas



multiplier of 18 should have been applied. No compensation has been awarded for loss of consortium and compensation awarded for loss of estate and for funeral expenses is also on lower side and he prayed that same be suitably enhanced. In support of his contentions, learned counsel for the appellants has relied upon 2009(6) SCC 121 **Sarla Verma and others Vs. Delhi Transport Corporation and Another**, 2017 (16) SCC 680 **National Insurance Co. Ltd Vs. Pranay Sethi and Other**, 2018 (4) R.C.R. (Civil) 333 **Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others**, (2021) 11 SCC 780 **United India Insurance Co. Ltd. Vs. Satinder Kaur**.

11. Learned counsel for the appellants in FAO-5691-2002 argued that the impugned award passed by the learned Tribunal wherein the claim petition filed by parents-in-law seeking compensation on account of death of their daughter-in-law has been dismissed is based on conjectures and surmises and Tribunal committed grave error while denying compensation to them on the ground that they are neither legal representatives of the deceased nor they were dependent upon her. Learned counsel further contended that the term “legal representative” has been interpreted by Hon’ble Supreme Court which includes even a person who inter-meddles with the estate of the deceased and though not necessarily legal heir. Infact, legal heir are the persons, who are entitled to inherit estate of the deceased and legal heir may also be legal representative. Learned counsel next contended that the son of the claimants had also died in the same accident along with his wife, who



was their daughter-in-law and the claimants being parents-in-law are thus entitled to compensation on account of death of their daughter-in-law. In support of his contentions, learned counsel has cited Law Finder Doc Id #2705152, “**Sadhana Tomar and Ors. Vs. Ashok Kushwaha and Ors.**”, 2022 (14) SCC 712, “**N. Jayasree and Ors. Vs. Chola mandalam MS General Insurance Company Ltd.**” and Law Finder Doc Id #2867003, **Reliance General Insurance Co. Ltd. and ors. Vs. John Philip Rodrigues (Insured) and ors.**

12. On the other hand, learned counsel for respondent No.3 in FAO-5690-2002 argued that the award in question is well reasoned and justified. The material on file has been appreciated in the correct perspective while assessing the compensation and no interference in the same is thus called for.

13. Learned counsel for Insurance Company in FAO-5691-2002 argued that the parents-in-law cannot be treated as the legal representatives or dependents upon their deceased daughter-in-law and the claim petition filed by them has thus rightly been dismissed and they are not entitled to any compensation and learned counsel prayed that the appeal in hand be dismissed.

14. **Compensation in FAO-5690-2002, Gian Singh and another Vs. Satwinder Ghorla @ Pappu and others, arising out of MACT No.32 of 2000:-**

15. The present claim petition has been instituted by parents of deceased Balwinder Singh, who had died in the accident. Though said



Balwinder Singh was married with one Shobha Rani but she too had died in the same accident. As such, claimants being the parents had instituted the claim petition.

16. Claimant Gian Singh, while appearing as PW5 deposed that deceased was a mechanic and he used to earn Rs.8,000/- per month. However, the Tribunal held that no cogent evidence has been led to substantiate this fact. No educational qualification has been proved on file and the Tribunal held his income to be Rs.2,000/- per month by treating him to be a daily wager. However, the version of claimants that deceased was a mechanic has not been controverted and deceased thus could not have been treated merely as an unskilled daily wage worker. Hon'ble Supreme Court while deciding Civil Appeal No.15021 of 2024 titled **Karamjit Singh Vs. Amandeep Singh and another** vide judgment dated 17.12.2024 has held that a carpenter has to be treated as a skilled person and it will be unfair to classify a carpenter as an unskilled worker. Hon'ble Supreme Court in 2019 (5) RCR (Civil) 884, **Chameli Devi and others Vs. Jivrali Mian and others**, has assessed the monthly income of a carpenter to be Rs.5000/- per month in the year 2001 and it was further held that in such cases where deceased is engaged in such type of profession, claimants can only lead oral evidence.

17. In the present case, the accident had taken place on 30.01.2000 and it can be assumed that the deceased while working as a mechanic must be earning at least Rs.4,000/- per month. Accordingly, the income of deceased is taken as **Rs.4,000/-** per month.



18. Claimants have alleged that deceased was 24/25 years of age which is also reflected in post-mortem report Ex.P1. Accordingly, 40% amount has to be added to the monthly income of the deceased towards future prospects in view of law laid down in **Pranay Sethi's case (supra)**, which takes his income to **Rs.5,600/- per month (Rs.4,000/- + Rs.1,600/-)**.

19. The claim petition was instituted by the father and mother of the deceased. Deceased has left behind his mother as the sole dependent/legal heir and thus 50% of the income has to be deducted towards personal and living expenses as per law laid down in **Sarla Verma's case (supra)** and after deducting the same, the monthly loss of dependency comes out to Rs.2800/- and the annual loss of dependency comes out to **Rs.33,600/- (Rs.2,800/- X 12)**.

20. Since deceased was 24/25 years of age, multiplier of 18 has to be applied in view of the guidelines laid down in **Sarla Verma's case (supra)**, and after applying the same, the total loss of dependency comes out to **Rs.6,04,800/- (Rs.33,600/- x 18)**.

21. In addition to this, claimant No.2 (mother of the deceased) is held entitled to a sum of **Rs.70,000/-** under conventional heads i.e. **Rs.40,000/-** towards loss of consortium, **Rs.15,000/-** towards loss of estate and **Rs.15,000/-** on account of funeral expenses, as per law laid down in **Pranay Sethi's case (supra)**. Likewise, claimant No.1 (father of the deceased) is also held entitled to a sum of Rs.40,000/- on account of loss of filial consortium, in view of law laid down in **Nanu Ram's case**



(*supra*) and *Satinder Kaur’s case (supra)*, which takes the compensation to Rs.7,14,800/- (Rs.6,04,800/- + Rs.1,10,000/-).

22. Accordingly, the compensation to be awarded to the appellants/claimants is assessed as under:-

S.No.	Under Head	Compensation awarded by this Court
1.	Monthly income of deceased	Rs.4,000/- per month
2.	Age of deceased	24/25 years
3.	Future prospects @40%	Rs.1600/-
4.	Total income	Rs.5600/-
5.	Deduction towards personal expenses of the deceased	Rs.2800/- (50%)
6.	Monthly loss of dependency	Rs.2800/-
7.	Annual loss of dependency	Rs.33,600/- (Rs.2800/- X 12)
8.	Multiplier	18
9.	Compensation on account of Loss of dependency	Rs.6,04,800/-(Rs.33,600/- x 18)
10.	Compensation under conventional heads to claimant No.2- mother	Rs.70,000/-
11.	Compensation to claimant No.1 for loss of filial consortium-father	Rs.40,000/-
	Total Compensation	Rs.7,14,800/-
	Interest	9%

23. Accordingly, enhanced compensation payable to claimants comes to Rs.5,75,900/- (Rs.7,14,800/- - Rs.1,38,900/-) (rounded off to Rs.5,76,000/-).

24. **Compensation in FAO-5691-2002, Gian Singh and another Vs. Gurbachan Singh and others, arising out of MACT No.33 of 2000:-**

25. The question to be determined is as to whether parents-in-law can seek compensation on account of death of their daughter-in-law being legal representatives or dependent. Hon’ble Supreme Court in



(1987) 3 SCC 234, “Gujarat SRTC Vs. Ramanbhai Prabhatbhai”, has held that a legal representative is one, who suffers on account of death of a person due to a motor vehicle accident and he need not necessarily be a wife, husband, parent or child.

26. In **N. Jayasree’s case** (supra), Hon’ble Supreme Court while interpreting the term “legal representative” has held as under:-

"16. In our view, the term "legal representative" should be given a wider interpretation for the purpose of Chapter XII of the MV Act and it should not be confined only to mean the spouse, parents and children of the deceased. As noticed above, the MV Act is a benevolent legislation enacted for the object of providing monetary relief to the victims or their families. Therefore, the MV Act calls for a liberal and wider interpretation to serve the real purpose underlying the enactment and fulfil its legislative intent. We are also of the view that in order to maintain a claim petition, it is sufficient for the claimant to establish his loss of dependency. Section 166 of the MV Act makes it clear that every legal representative who suffers on account of the death of a person in a motor vehicle accident should have a remedy for realization of compensation."

27. It has been further held in **N. Jayasree’s case** (supra) that mother-in-law of the deceased was also dependent and legal representative of deceased son-in-law under Section 166 of Motor Vehicles Act. In **Reliance General Insuraynce Co. Ltd.’s case** (supra), Bombay High Court has held that the parents-in-law have to be considered as dependents upon the deceased daughter-in-law. In this case, a man along with his wife and son had died in a motor vehicular accident. The parents of the deceased son were awarded compensation on account of



death of their son and grandson. However, in respect of the death of his wife, compensation was sought by parents-in-law as well as by the parents of the wife, who was their daughter and Bombay High Court held that the parents-in-law of the deceased daughter-in-law are also entitled to compensation and it was further held that a person who is dependent upon the deceased is included in the term “legal representative” and therefore, they are entitled to compensation. Accordingly, it is held that claimants/appellants in the present case are also entitled to compensation on account of death of their daughter-in-law namely Shobha Rani.

28. Deceased was a housewife. This Court cannot lose sight of the fact that deceased must have been rendering gratuitous services to the claimants being their daughter-in-law and she thus has to be treated as a home-maker. Hon’ble Supreme Court in AIR 2021 (SC) 353, titled ***Kirti Vs. Oriental Insurance Co. Ltd.*** has held that the income of a home-maker should at least be assessed by adopting the lowest minimum wages applicable for unskilled workers. Future prospects too have to be applied, while assessing the monthly income and amount incurred on personal expenses also has to be deducted. It has been further held that in view of totality of circumstances and contribution of a housewife towards household, 25% additional gratuitous income should be added towards salary. The accident had taken place on 01.02.2000 and during those days, even the labourers used to earn around Rs.3,000/- per month which were the minimum wages and accordingly, the income of deceased is taken as Rs.3,000/- per month.



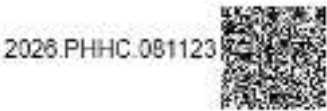
29. Deceased was around 24 years of age and as such, 40% amount has to be added to the monthly income of the deceased towards future prospects in view of law laid down in **Sarla Verma's case (supra)** and **Pranay Sethi's case (supra)**, which takes her income to **Rs.4,200/- per month (Rs.3,000/- + Rs.1,200/-)**.

30. In view of law laid down in **Kirti's case (supra)**, 25% additional amount has to be added on account of gratuitous services being rendered by the deceased and after adding the same, the monthly income of deceased comes out to **Rs.5,250/- per month and Rs.63,000/- per annum (Rs.5,250/- X 12)**.

31. Deceased has left behind two dependents and as such, 1/3rd of the income has to be deducted towards personal and living expenses as per law laid down in **Sarla Verma's case (supra)** and after deducting the same, the annual loss of dependency comes out to **Rs.42,000/- (Rs.63,000/- - Rs.21,000/-)**.

32. Deceased was around 24 years of age and as such multiplier of 18 has to be applied as per **Sarla Verma's case (supra)** and after applying the same, the loss of dependency comes to **Rs.7,56,000/- (Rs.42,000/- X 18)**.

33. In addition to this, claimant No.2 is held entitled to a sum of **Rs.70,000/-** under conventional heads i.e. **Rs.40,000/-** towards '**loss of consortium**', **Rs.15,000/-** towards '**loss of estate**' and **Rs.15,000/-** on account of '**funeral expenses**', as per law laid down in **Pranay Sethi's**



case (supra). Likewise, claimant No.1 who is father-in-law of deceased is also held entitled to a sum of **Rs.40,000/-** on account of ‘**loss of consortium**’, in view of law laid down in **Nanu Ram’s case (supra)** and **Satinder Kaur’s case (supra)**, which takes the compensation to **Rs.8,66,000/- (Rs.7,56,000/- + Rs.70,000/- + Rs.40,000/-)**.

34. Accordingly, the compensation to be awarded to the appellants/claimants is assessed as under:-

S.No.	Under Head	Compensation awarded by the High Court
1.	Monthly income of deceased	Rs.3,000/- per month
2.	Age of deceased	24 years
3.	Future prospects @ 40% (As per Pranay Sethi’s case supra)	Rs.1200/- Rs.4,200/- per month
4.	Gratuitous income @ 25% (As per Kirti’s case (supra)	Rs.1,050/- per month Rs.5,250/- per month
4.	Total Annual income	Rs.5,250/- X 12 Rs.63,000/- per annum
5.	Number of dependents	2
6.	Deduction towards personal expenses of the deceased (1/3rd)	Rs.21,000/-
7.	Annual loss of dependency	Rs.42,000/-
8.	Multiplier	18
9.	Compensation on account of Loss of dependency	Rs.7,56,000/- (Rs.42,000/- X 18)
10.	Compensation under conventional heads to claimant No.2-mother-in-law	Rs.70,000/-
11.	Consortium to father-in-law of deceased	Rs.40,000/-
	Total Compensation	Rs.8,66,000/-
	Interest	9%



35. Accordingly, compensation payable to claimants comes to **Rs.8,66,000/-**.

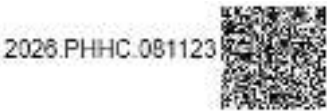
36. As a result of aforesaid discussion, both the aforesaid appeals are partly accepted with costs.

37. In FAO No.5690-2002, appellants-Gian Singh and another are held entitled to a sum of **Rs.5,76,000/-** as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 23.03.2000 till realization payable by respondents jointly and severally.

38. In FAO-5691-2002, appellants-Gian Singh and another are held entitled to a sum of **Rs.8,66,000/-** as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 23.03.2000 till realization payable by respondents jointly and severally.

39. The payments to the appellants shall be deposited in their bank accounts to be provided by them.

40. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of directions issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled **Bajaj Allianz General Insurance Company Versus Union of India and others**, decided on 16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.



41. A photocopy of this order be placed on the file of the connected case.
42. Pending misc. application (s), if any, shall also stand disposed of.

22.05.2026 (YASHVIR SINGH RATHOR)
Priyanka Thakur JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No