

2026:PHHC:022478



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

FAO-2171-2020 (O&M)

Date of Decision: 10.02.2026

Parveen and others

....Appellants

Versus

Naranga Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Anshul Gupta, Advocate, for the appellants.
Mr. Paul S. Saini, Advocate, for respondent No.3.

VIKRAM AGGARWAL, J.

The instant appeal has been instituted by the appellant-claimants seeking enhancement in compensation awarded by the Motor Accident Claims Tribunal, Panchkula (for short 'the MACT'), on account of the death of one Sarabjeet Singh, who expired in a motor vehicular accident, which took place on 05.05.2018.

2. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act') was instituted by the widow; two minor daughters and parents of one Sarabjeet Singh. It was averred that on 05.05.2018, Sarabjeet Singh along with his cousin Subhash Chand, was going to Morni on a motorcycle bearing registration No. HR-03-K-2083. The said morotcycle was being driven by Sarabjeet Singh. At about 10.15 p.m., when they

reached near Sai Gravel Stone Crusher, Burj Kotian, Tehsil Kalka, District Panchkula, a truck tipper bearing registration No. HR-68-V-7846 (hereinafter referred to as 'the offending vehicle') which was being driven by respondent No.1 in a rash and negligent manner and at a very high speed, came from the back side and hit the motorcycle of Sarabjeet Singh. As a result of the said accident, Sarabjeet Singh fell on the road and the offending vehicle ran over him. He was rushed to the General Hospital, Sector-6, Panchkula, wherefrom after providing him first aid and seeing his critical condition, he was referred to PGI, Chandigarh, but he died during treatment in PGI. FIR No. 113 dated 06.05.2018 under Sections 279 and 304-A IPC was registered against respondent No.1 at Police Station, Pinjore.

It was claimed that at the time of the accident, deceased-Sarabjeet Singh was aged 35 years and was working as a truck driver with Partap Stone Supply Company, Village Burj Kotian, Tehsil Kalka, earning Rs.35,000/- per month. It was further claimed that the claimants were fully dependent upon deceased-Sarabjeet Singh. Accordingly, the claim petition was filed.

3. Respondent Nos. 1 and 2 filed their joint written statement, taking preliminary objections regarding maintainability, *locus-standi*, estoppel and the claimants having concealed material facts from the Court.

On merits, the factum of accident was denied. It was further asserted that a false FIR had been got registered at the

instance of the claimants in collusion with the police, with a view to get compensation in the claim petition.

Respondent No.3-Insurance Company filed its separate written statement taking preliminary objections regarding maintainability; *locus-standi*; cause of action; non-joinder and mis-joinder of necessary parties; respondent No.1 not holding a valid driving licence and further him driving the offending vehicle in contravention of the terms and conditions of the insurance policy.

On merits, the averments of the claim petition were denied and it was rather pleaded that respondent No.2 was having no insurable interest in the offending vehicle.

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

1. Whether Sarabjeet Singh s/o Sh. Jaswant Singh had died due to the injuries suffered by him in a roadside vehicular accident which had occurred on 05.05.2018 in the area of Police Station Pinjore on account of rash and negligent driving of Truck Tipper bearing registration No. HR-68-B-7846 by respondent NO.1? OR

It was a case of contributory or sole negligence? OP Parties.

2. If issue No.1 is answered in affirmative, then whether the claimants are entitled to be compensated, if so to what extent and by whom? OPP

3. Whether the claim petition is bad for non-joinder and mis-joinder of necessary parties i.e. owner and insurer of

motorcycle as alleged in para No. 4 of preliminary objections by respondent No.3? OPR-3

4. Whether respondent No.1 was not holding a valid and effective driving licence at the relevant time of alleged accident, if so to what its effect? OPR-3

5. Whether the vehicle in question was being driven without valid documents i.e. permit and fitness certificate and in violations of terms and conditions of the insurance policy, if so to what its effect? OPR-3.

6. Relief.

5. Parties led their respective evidence.
6. Vide award dated 31.08.2019, the MACT allowed the petition filed by the claimants, awarding the following compensation:-

Sr. No.	Heads	Calculation (in Rs.)
i)	Age	38 years
ii)	Income	Rs.15,183/- (including future prospects @ 40%) (Rs.10,845+4338/-)
iii)	1/4 of the (i) deducted as personal expenses per month of the deceased	Rs.15,183-Rs.3796/- =11,387/-
iv)	Compensation after multiplier of 14 is applied	(Rs.11,387x12x15) = Rs.20,49,660/-
v)	Loss of estate	Rs.15,000/-
vi)	Loss of consortium	Rs.40,000/-
vii)	Funeral expenses	Rs.15,000/-
	Total compensation awarded	Rs.21,19,660/-

7. Seeking enhancement in the said compensation, the appellant-claimants have filed the instant appeal.

8. I have heard learned counsel for the parties.

9. Learned counsel for the appellants submits that inadequate compensation was granted by the MACT. It is submitted that deceased-Sarabjeet Singh was a truck driver, having a monthly income of Rs.35,000/-. Learned counsel submits that the MACT erred in assessing the income of Sarabjeet Singh as Rs.10,845/- per month only, whereas no driver of a heavy vehicle would be available for this monthly salary. Reference has been made to the statement of PW2-Paratp Singh, who duly stepped into the witness box and deposed that deceased-Sarabjeet Singh was an employee of his Company and was working as a driver for the last 5 years.

Learned counsel submits that the said witness had, in so many words, stated that Sarabjeet Singh was employed with him at a salary of Rs.35,000/- per month. Learned counsel submits that under the circumstances, there was no occasion for the MACT to assess the income of the deceased as Rs.10,845/-. It is further submitted that the MACT wrongly assessed the age of the deceased as 38 years, whereas as per the Aadhar Card, it was 35 years. Learned counsel submits that accordingly the multiplier is also required to be enhanced.

Learned counsel lastly submits that inadequate compensation was granted under the heads of loss of estate and funeral expenses. It is also argued that consortium was only awarded to the widow of the deceased and was not awarded to the other claimants. He submits that in terms of the law laid down by the Hon'ble Supreme Court in **National Insurance**

Company Limited vs. Pranay Sethi and Ors., 2017(16) SCC 680 and **Magma General Insurance Company Ltd. vs. Nanu Ram @ Chuhru Ram, (2018) 18 SCC 130**, the amount awarded on account of consortium; funeral expenses and loss of estate, also deserves to be enhanced.

10. *Per contra*, learned counsel representing respondent-Insurance Company, submits that no error was committed by the MACT in assessing the monthly income of Sarabjeet Singh as Rs.10,845/-, as the same were the minimum wages for a driver of a heavy vehicle in the State of Haryana at the relevant time. He submits that no proof of the vocation of the deceased was given and apart from a bald statement of PW2-Partap Singh, no documentary evidence was produced. Learned counsel submits that under the circumstances, the monthly income of the deceased was rightly assessed as Rs.10,845/- p.m.

As regards the age, it is submitted that the date of birth of the deceased in the driving licence was 29.10.1979 and that in the Aadhar card, it was 01.01.1983. He submits that the age was rightly assessed on the basis of the age given in the driving licence and in any case, for the age group of 35-40 years, the multiplier remains the same. However, he could not controvert 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).

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

12. Coming firstly to the income of Sarabjeet Singh, no doubt PW2-Partap Singh stepped into the witness box and deposed that deceased Sarabjeet Singh was an employee of his Company and was working as a driver for the last 5 years. He also stated that he was getting a salary of Rs.35,000/- per month. However, no documentary proof was brought on record. No record, even *prima-facie* showing that the salary was Rs.35,000/- per month, was produced. Under the circumstances, the MACT rightly assessed the salary of the deceased as Rs.10,845/- per month, which was the minimum wages of a driver of a heavy vehicle in the State of Haryana, at the relevant time.

13. In so far as the age of the deceased is concerned, the same was rightly assessed based upon the age given in the driving licence. Even if, the age is taken as per the Aadhar card, the age bracket remains the same and there would be no change in the multiplier. However, in terms of the ratio laid down by the Supreme Court of India in the cases of **Pranay Sethi** (supra) and **Magma General Insurance Company Ltd.'s** (supra) filial consortium, @ Rs.48,400/-, was required to be granted to each of the claimants and for funeral expenses and loss of estate, Rs.18,150/- under each head, was also required to be awarded.

14. Having considered the submissions made by learned counsel for the parties, the compensation awarded by the MACT is enhanced as under:-

Sr. No.	Heads	Awarded by MACT	Enhanced by this Court
i)	Age	38 years	No change

ii)	Income	Rs.15,183/- (including future prospects @ 40%) (Rs.10,845+4338/-)	No change
iii)	1/4 of the (i) deducted as personal expenses per month of the deceased	Rs.15,183- Rs.3796/- =11,387/-	No change
iv)	Compensation after multiplier of 14 is applied	(Rs.11,387x12x15) = Rs.20,49,660/-	No change
v)	Loss of estate	Rs.15,000/-	Rs.18,150/-
vi)	Loss of consortium	Rs.40,000/-	Rs.2,42,000/- (Rs.48,400 x 5)
vii)	Funeral expenses	Rs.15,000/-	Rs.18,150/-
	Total compensation awarded	Rs.21,19,660/-	Rs.23,27,960/-

15. The total compensation, therefore, comes to Rs. 23,27,960/-. After deducting a sum of Rs.21,19,660/- as assessed by the MACT, the balance compensation comes to Rs.2,08,300/-. 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.

16. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

10.02.2026
ds

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