IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-740-2025 (O&M)
Date of Decision: 24.02.2026

Rajinder Kaur ....Appellants

V/s

Sucha Singh and others ....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sandeep Chopra, Advocate, for the appellant.
Mr. Vinod Gupta, Advocate, for respondent No.3-Insurance Co.

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VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimant, who is the widow of Rajwinder Singh (since deceased), seeking enhancement in compensation awarded to her (and her father-in-law) by the Motor Accident Claims Tribunal, Rupnagar (for short "the MACT") vide award dated 09.05.2024 passed in a claim petition instituted under Section 166 of the Motor Vehicles Act, 1988 (for short "the MV Act") on account of death of Rajwinder Singh, who expired on 08.08.2023 due to the injuries sustained in a motor vehicular accident which took place on 31.07.2023.

2. The case of the claimants was that on 31.07.2023, Rajwinder Singh along with Sucha Singh was going from Rupnagar to Village Garhi on Activa bearing registration No. PB-12-AH-7284 (hereinafter referred to as "the offending vehicle"), which was being driven by Sucha Singh, while Rajwinder Singh was the pillion rider. Jatinder Singh, son of Karnail Singh, was following them on his motorcycle. It was averred that Sucha Singh was driving the Activa in a rash and negligent manner and at a very high speed. At about 9:30 P.M., when they reached within the revenue limits of Village Jagatpura, near the Plywood Factory on Village Garhi Road, Ropar, the road

was full of potholes. Upon hitting one such pothole, Sucha Singh lost control of the Activa, as a result of which both the riders fell onto the road and sustained injuries. Rajwinder Singh suffered multiple grievous injuries on his head and other parts of his body. He was initially taken to Civil Hospital, Ropar, and thereafter was referred to PGIMER, Chandigarh, where he was admitted and treated. However, despite best efforts, he succumbed to his injuries on 08.08.2023. The post-mortem examination on the dead body of Rajwinder Singh was conducted by the doctors at PGIMER, Chandigarh.

3. DDR No.5 dated 08.08.2023 at PP Bela, Police Station Chamkaur Sahib was also recorded in this regard.

4. It was averred that at the time of the accident, Rajwinder Singh was 41 years old and was doing agriculture and dairy farming work. He was stated to be earning about Rs.25,000/- per month. Claimants were claimed to be totally dependent upon his income. Due to his untimely death, the claimants had lost the sole breadwinner of the family and had been deprived of his love, care, and affection, resulting in severe financial and emotional hardship. Accordingly, a sum of Rs.50,00,000/- was claimed as compensation along with interest @ 12% per annum from the date of accident till its realization.

5. The driver and owner of the offending vehicle (respondents No.1 and 2) filed their joint written statement and denied the factum of the accident.

6. The insurance company raised its usual defences in the written statement and denied the factum of the accident.

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

"1. Whether Rajwinder Singh son of Amar Singh died in motor vehicular accident which took place on 31.07.2023 at about 9:30 P.M. in the revenue limits of Village Jagatpura near Plywood Factory on

Rupnagar to Village Farhi Road, due to rash and negligent driving of the Activa bearing Registration No.PB-12-AH-7284 driven by respondent No.1, owned by respondent No.2 and insured with respondent No.3?OPP

2. Whether respondent No.1 the alleged driven of the Activa bearing Registration No.PB-12-AH-7284 was not holding valid and effective driving licence at the time of alleged accident?OPR-3

3. If issue No.1 is proved, whether the claimants are entitled to seek compensation? If so, to what extent and from which of the respondents?OPP

4. Relief."

8. Parties led their respective evidence.

9. After considering the evidence led on the record of the case, a finding was recorded by the MACT that the accident as a result of which Rajwinder Singh had expired had taken place on account of rash and negligent driving of the driver of the offending vehicle. The age of Rajwinder Singh was assessed as 41 years. His income was assessed as Rs.9,400/-per month and the following compensation was awarded by the MACT:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	41 years
2.	Income of the deceased	Rs.9400/- per month
3.	Deduction towards personal expenses of the deceased @ 1/3rd	Rs.3133/- per month Actual Income Rs.6267/- per month
4.	Multiplier of "14"	Rs.6267 x 12 x 14 = Rs.10,52,856/-
5.	Future Prospects @ 25%	Rs.2,63,214/-
6.	Loss of income (including future prospects)	Rs.13,16,070/-
7.	Loss of estate	Rs.18,000/-
8.	Funeral expenses	Rs.18,000/-
9.	Loss of filial consortium	Rs.48,000/-
Total Compensation		**Rs.14,00,070/-**

10. I have heard learned counsel for the parties.

11. Learned counsel for the appellant has submitted that the MACT gravely erred in assessing the income of the deceased to be Rs.9400/- per

month despite the fact that the deceased was engaged in agriculture and dairy farming. Learned counsel submits that it is well known that such kind of professions rarely have any documentary proof. Learned counsel submits that the MACT, without giving any reason, assessed the income of deceased as Rs.9400/- per month, whereas even the minimum wages for an unskilled labourer at the relevant time were Rs.10,353.77 per month. Learned counsel submits that minimum monthly income should have been assessed as Rs.10,355/- per month. He further submits that interest should also have been awarded @ 7.5% per annum on the awarded amount instead of 6% per annum. Learned counsel has also submitted that the amount of compensation awarded towards filial consortium is also inadequate since only Rs.48,000/- was awarded qua the wife of the deceased. It has been submitted that the same also deserves to be enhanced in terms of the decision of the Hon'ble Apex Court in ***National Insurance Company Limited vs. Pranay Sethi and others*, (2017)16 SCC 680.** As regards the compensation on account of loss of estate and funeral expenses, it has been submitted that the same also deserves to be enhanced in terms of the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (supra) and ***Smt. Sarla Verma and others vs. Delhi Transport Corporation and another*, (2009) 6 SCC 121**.

12. *Per contra*, learned counsel for respondent No.3-insurance company has submitted that the MACT rightly assessed the income of the deceased and the compensation payable to the claimants is adequate. He further submits that no evidence was relied upon by the appellant to prove the income of the deceased apart from the oral evidence produced by the appellant. However, as regards the compensation awarded on account of filial consortium and loss of estate and for funeral expenses, learned counsel

has not been able to deny that the same deserves to be enhanced. He also could not dispute the minimum wages of Rs.10,353.77 per month being payable to an unskilled labourer at the time of the accident.

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

14. Though, it was claimed that the deceased was doing agriculture work and dairy farming and was earning Rs.25,000/- per month, no evidence worth its name was produced. Under the circumstances, the MACT committed no error by assessing the income of the deceased as per the minimum wages payable to an unskilled labourer. However, concededly, the minimum wages payable to an unskilled labourer were not Rs.9400/- per month at the relevant time but were Rs.10,353.77. Accordingly, the income of the deceased should have been assessed by taking the minimum wages to be Rs.10,353.77 rounded off to Rs.10355/- per month.

15. The MACT has awarded a total sum of Rs.48,000/- towards consortium. However, in terms of the ratio laid down by the Supreme Court of India in the case of **Pranay Sethi** (supra), filial consortium @ Rs.48,400/- for each of the claimants, is required to be granted. Still further, for funeral expenses and loss of estate, Rs.18,150/- under each head, is also required to be awarded.

16. 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	41 years	No change
2.	Income of the deceased	Rs.9400/- per month	Rs.10355/- per month
3.	Deduction towards personal expenses @	Rs.3133/- per month	Rs.3451/- per month

	1/3rd	Actual Income Rs.6267/- per month	Actual income Rs.6904/-
4.	Multiplier of "14"	Rs.6267 x 12 x 14 = Rs.10,52,856/-	Rs.6904/- x 12 x 14 =Rs.11,59,872/-
5.	Future Prospects @ 25%	Rs.2,63,214/-	**Rs.2,89,968/-**
6.	Loss of income (including future prospects)	Rs.13,16,070/-	Rs.14,49,840/-
7.	Loss of estate	Rs.18,000/-	Rs.18150/-
8.	Funeral expenses	Rs.18,000/-	Rs.18150/-
9.	Loss of filial consortium	Rs.48,000/-	**Rs.96800/- (Rs.48,400/- each to the widow and the father)**
Total Compensation		**Rs.14,00,070/-**	**15,82,940/-**

17. Coming to the interest, 7.5% interest is adequate if one considers the bank rates. Interest awarded by the MACT was 6% per annum, which is inadequate and, therefore, the rate of interest is held to be 7.5% per annum and shall be paid from the date of presentation of the claim petition.

18. The total compensation, therefore, comes to Rs.15,82,940/-. After deducting a sum of Rs.14,00,070/- as assessed by the MACT, the balance compensation comes to Rs.1,82,870/-. 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.

19. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

February 24, 2026
vcgarg Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No