IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

134) FAO-652-2025 (O&M)
Date of Decision: 25.03.2026

Sonia and others ....Appellants

V/s

Ranbir Singh and others ....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Hemant Kumar, Advocate, for
Mr. Sanjeev Majra, Advocate, for the appellants.

Mr. Abhimanyu Batra, Advocate,
for respondent No.3-Insurance Company.

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VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants, who are the wife, minor son and mother of Amit Kumar, seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Sonipat (for short "the MACT") vide award dated 13.08.2024 in a claim petition instituted under Section 166 of the Motor Vehicles Act, 1988 (for short "the MV Act") on account of the death of Amit Kumar, who expired in a motor vehicular accident which took place on 04.11.2022.

2. The case of the claimants was that on 04.11.2022, Amit Kumar along with complainant Mukesh Kumar and Sujal were going towards village Jharoth on a motorcycle bearing registration No.HR-10-AK-9589, which was being driven by Amit Kumar. When they reached near Kawali Mod, a car bearing registration No.HR-77-A-5100 (hereinafter referred to as the "offending vehicle"), being driven by respondent No.1 (Ranbir Singh) in a rash and negligent manner and at a high speed, came from the opposite direction and struck against the motorcycle, as a result of which, Amit Kumar and Sujal fell down and sustained injuries. Respondent No.1 fled

from the spot after the accident. With the help of passersby, the complainant shifted the injured, namely Sujal and Amit Kumar, to the hospital, from where Amit Kumar was referred to PGIMS, Rohtak. However, both Sujal and Amit Kumar succumbed to the injuries caused in the accident. 3.

FIR No.477, dated 05.11.2022 under Sections 279, 337 and 304A IPC was registered at Police Station Sadar Sonipat against respondent No.1 on the complaint of Mukesh Kumar.

4. It was averred that the accident had taken place on account of negligent driving of the offending vehicle by its driver (respondent No.1). It was averred that Amit Kumar was 32 years old and was working as an Inspector in G4S Secure Solutions India Pvt. Ltd., and was getting monthly salary of Rs.13,745/-. Besides this, he also used to run a milk dairy, earning Rs.2 lakhs per annum. It was averred that he was earning Rs.35,000/- per month. However, due to his untimely death caused by the accident, the claimants had suffered irreparable loss of financial support, love, and affection. Accordingly, compensation of Rs.75 lakhs was claimed.

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

6. Respondent No.3 (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 consolidated issues were framed:

> ***"1. Whether the petitioners are entitled to compensation of Rs.75,00,000/- in case of Sonia Vs. Ranbir etc. and Rs.1,00,000/- in case oRekha Vs. Ranbir Etc. along with interest @ 18% per annum from the date of petition till realization from the respondents jointly or severally on account of death of Amit Kumar son of Jagdish and death of Sujal son of Ravinder in the accident?OPP***
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> ***2. Whether the petitions are not maintainable?OPR***

> ***3. Whether the driver of the vehicle bearing No.HR-77A-5100 was not holding valid and effective driving license at the time of accident?OPR***
>
> ***4. Whether the owner of the vehicle has violated the terms and conditions of the insurance policy?OPR***
>
> ***5. Relief."***

8. Parties led their respective evidence.

9. 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 31 years, and his monthly income was assessed as Rs.13745/- per month. 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, future prospects @ 40% of the assessed income were also added to the income and a multiplier of '16' was applied by the MACT. Since it was held that the driver of the offending vehicle was holding a valid and effective driving licence, the driver, owner and insurance company all were held jointly and severally liable to pay the compensation to the claimants. The MACT assessed and granted the following compensation:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	31 years
2.	Income of the deceased	Rs.13745/- per month
3.	After deducting $1/3^{rd}$ towards personal expenses	Rs.4745/-
4.	Actual Income	Rs.9000/-
5.	Future prospects @ 40%	Rs.3600/- = Total income Rs.12,600/- per month and Rs.1,51,200/- annual income
6.	After applying Multiplier of '16'	Rs.1,51,200/- x 16 =Rs.24,19,200/-
7.	Funeral expenses	Rs.16,500/-
8.	Loss of Estate	Rs.16,500/-
9.	Consortium	Rs.44,000/-
	Total Compensation	**Rs.24,96,200/-**

Interest @ 9% per annum from the date of filing of the claim petition till actual realization was also awarded.

10. I have heard learned counsel for the parties.

11. Learned counsel for the appellants submits that the MACT erred in assessing the income of the deceased as Rs.13,745/- per month whereas, as per the statement of PW-4 (Shashi Bhushan), the monthly salary of the deceased was Rs.20,845/-. It has further been argued that the MACT awarded consortium of Rs.44,000/- to only one claimant whereas, it should have been awarded to all three claimants in terms of the ratio of law laid down by the Hon'ble Supreme Court of India in the cases of **Pranay Sethi** (supra) and ***Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram*, (2018) 18 SCC 130.**

12. Learned counsel further submits that the MACT also erred in deducting 1/3rd expenses of the deceased from the monthly assessed income of Rs.13,745/-. It has been submitted that the MACT wrongly considered the actual income as Rs.9000/- whereas, the actual income should have been Rs.9163/- after deducting 1/3rd expenses towards personal expenses.

13. *Per contra*, learned counsel for the insurance company has submitted that the MACT had not committed any error in assessing the income of the deceased as Rs.13,745/-. Reference has been made to the salary statements (Ex.P10 to Ex.P13) and it has been submitted that the figure of Rs.20,845/- appearing in Ex.P-10 is on account of the fact that a sum of Rs.6900/- had been added in the same as travelling allowance, which cannot be taken to be a part of the salary. While referring to the documents Ex.P11, Ex.P12 and Ex.P13, it has been averred that the monthly salary of the deceased had been mentioned as Rs.13,745/- and that the travelling allowance had been mentioned separately. It has been argued that the

travelling allowance cannot be a part of the salary, for, they would be payable only in case of travelling and would be the expenses incurred on travelling. However, learned counsel could not controvert the submissions about the consortium and the fact that after deducting 1/3rd expenses towards personal expenses of the deceased, the monthly income of the deceased should have been Rs.9163/- per month.

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

15. The argument advanced by learned counsel for the appellants that the salary of the deceased was Rs.20,845/- per month is fallacious. A perusal of the pay slips Ex.P10 to Ex.P13 shows that the monthly salary of the deceased was Rs.13,745/- and Rs.6900/- in Ex.P10, Rs.6538.46 in Ex.P11, Rs.7081.38 in Ex.P12 and Rs.796.15 in Ex.P13 were travelling expenses. Under the circumstances, the salary would be taken to be Rs.13,745/- per month and travelling expenses would not be included. Even Ex.P13 shows that the travelling allowance for that month was only Rs.796.15/- Under the circumstances, no error is found in the assessment of salary as Rs.13,745/- per month.

16. As regards calculation of 1/3rd expenses, it has been duly established that after making a deduction of one-third towards the personal and living expenses of the deceased, the actual monthly loss of income to the dependents comes to Rs.9,163/- (approximately). In so far as the consortium is concerned, the MACT erred in awarding the same only to one claimant, whereas, 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 Limited*** (supra), consortium, @ Rs.44000/- for each dependant was required to be granted.

17. 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	31 years	No change
2.	Income of the deceased	Rs.13,745/- per month	No change
3.	Deduction of 1/3rd towards personal expenses	Rs.4745/-	Rs.4582/-
4.	Actual Income	Rs.9000/-	Rs.9163/-
5.	Future prospects @ 40%	Rs.3600/- = Total income Rs.12,600/- per month and Rs.1,51,200/- annual income	Rs.3665/- Total Income Rs.12,828/- per month and Rs.1,53,939/- annual income
6.	After applying Multiplier of '16'	Rs.1,51,200/- x 16 =Rs.24,19,200/-	Rs.1,53,939 x 16 Rs.24,63,024/-
7.	Funeral expenses	Rs.16,500/-	Rs.16,500/- (no change)
8.	Loss of Estate	Rs.16,500/-	Rs.16,500/- (no change)
9.	Consortium	Rs.44,000/-	Rs.1,32,000/- (Rs.44000/- x 3)
	Total Compensation	**Rs.24,96,200/-**	Rs.26,28,024

17. The total compensation, therefore, comes to Rs.26,28,024/- After deducting a sum of Rs.24,96,200/- as assessed by the MACT, the balance compensation comes to Rs.1,31,824/-. 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.

18. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

March 25, 2026
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No