IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-845-2023(O&M)
Date of decision: 17.04.2026

United India Insurance Company Ltd.

...Appellant(s)

Vs.

Kanta Devi & Others

...Respondent(s)

***

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Raj Kumar, Advocate
for the appellant (on VC).

Mr. Anil Kumar Spehia, Advocate
for respondents No.1 to 3.

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NIDHI GUPTA, J.

Present appeal has been filed by the Insurance Company laying challenge to the Award dated 18.10.2022 passed by Motor Accident Claims Tribunal, Jalandhar (hereinafter 'the learned Tribunal') in MACP 188 dated 07.08.2018 filed by the claimants/respondents No.1 to 3 herein under Section 166 of Motor Vehicles Act (hereinafter "the Act"); whereby compensation of ₹22,98,000/- has been awarded to the claimants. The 3 claimants are the 40-year-old mother, 21-year-old brother, and 19-year-old sister of deceased Sanjiv Kumar, who was 24-25 years old at time of accident.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties,

concluded that deceased Sanjiv Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 09.01.2017 due to the rash and negligent driving of Tractor bearing registration No.PB-08-CH-4154 (hereinafter “the offending vehicle”) being driven by respondent No.4, owned by respondent No.5 and insured by the appellant. The said compensation has been awarded along with interest @ 7.5% per annum. The liability to pay the compensation amount was upon the appellant.

3. Learned counsel for the appellant submits that the impugned Award deserves to be modified in view of the fact that the learned Tribunal has awarded excessive compensation to the claimants. It is submitted that the learned Tribunal has assessed monthly income of the deceased as Rs.15,000/- per month; whereas as per the Salary Certificate (Ex.C3) produced by the claimants, gross salary of the deceased was Rs.12,500/- per month. It is submitted that therefore, the learned Tribunal has committed grave error in misreading the evidence on record by taking income of the deceased on the higher side.

4. Ld. counsel further very fairly submits that nothing has been awarded by way of consortium to claimant No.1/mother. It is accordingly prayed that the Award be modified as above in accordance with law.

5. Per contra, ld. counsel for the respondents No.1 to 3/claimants submits that deduction of 50% made towards personal expenses is on the higher side. Future prospects have been added @ 40% on the lower side. It

is submitted that adequate compensation has not been awarded to the claimants. It is accordingly prayed that the same be enhanced.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find merit in the submissions advanced on behalf of the appellant/Insurance Company.

7. Perusal of record of the case shows that it was the pleaded case of the claimants before the learned Tribunal that prior to the accident, the deceased was working as Driver with PHF Leasing Limited and was drawing salary of Rs.15,000/-. The claimants had examined CW1 Gurpreet Singh, Office Executive at PHF Batala; who had proved Salary Certificate of the deceased as Ex.C3; copy of Attendance Register of deceased as Ex.C4; and copy of Driving Licence of deceased as Ex.C5. On the basis of the said evidence, the learned Tribunal in Para 13 of the impugned Award has noted that *"Thus, it has been proved on record that the monthly salary/income of deceased Sanjiv Kumar was Rs.15,000/-."* However, it is not disputed by learned counsel for the claimants that as per Ex.C3 (appended with the present appeal as Annexure A1), gross salary of the deceased is depicted to be Rs.12,500/- per month. Clearly therefore, the Tribunal has misread the evidence on record and wrongly calculated income of the deceased as Rs.15,000/- per month. Accordingly, income of the deceased is taken as ₹12,500/- per month.

8. It may also be pointed out that a perusal of Ex.C3 shows that deceased is shown to have been working with PHF Investment Pvt. Limited only since 08.12.2016. It has been categorically certified in Ex.C3 that:-

> *"This is to certify that Mr.Sanjeev Kumar S/O Mohan Lal R/O gobind nagar, Batala bearing AADHAR CARD 283341479481has <u>worked with us from 08/12/2016 to 09/01/2017</u>.*
>
> *He was designated as office Driver at the time of his leaving the organization and was posted at Batala branch.*
>
> *Salary structure is given below :-*

BASIC SALARY PER MONTH	*9000 INR*
NIGHT OVER TIME ALLOWANCE	*3500 INR*
GROSS SALARY	*12500 INR*

(Emphasis is mine)

9. Clearly therefore, the deceased had worked for only one month with the said Company. Thus, said alleged occupation of the deceased is cast in shadow of doubt. Notwithstanding the same, income of the deceased is taken to be Rs.12,500/- per month.

10. Further, as deceased was a Bachelor, deduction of 50% was correctly made towards personal expenses. Age of the deceased was determined to be 24-25 years at the time of accident on the basis of his Post-Mortem Report (Ex.C10). Accordingly, the learned Tribunal had correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 18. Under the conventional heads, the Tribunal has awarded an amount of Rs.15,000/- towards funeral expenses; and

Rs.15,000/- towards love and affection as well as loss of estate. It is my view that claimant/respondent No.1 being mother of the deceased is also entitled to Rs.40,000/- by way of consortium. It may also be pointed out that the present appeal is not filed by the Claimants. As such, any prayer for enhancement of compensation made by the learned counsel for the claimants is misconceived and cannot be acceded to. Furthermore, on a Court query, learned Counsel for the claimants has admitted that no appeal has been filed by them for enhancement.

11. In view of the above, present appeal is **partly allowed;** and compensation payable to the claimants is re-assessed as follows: -

Head	**Awarded by learned Tribunal**	**Re-assessed compensation**
Monthly income	Rs.15,000/-	Rs.12,500/-
Deduction	(50%) Rs.7500/- per month and Rs.90,000/- per annum	(50%) Rs.6250/-
Annual income	Rs.15,000/- x 12 = Rs.1,80,000/-	Rs.75,000/-
Future prospects	(40%) Rs.1,80,000/- + Rs.72,000/- = Rs.2,52,000/-	(40%) Rs.1,05,000/-
Dependency	Rs.1,26,000/- per annum	
Multiplier	(18) Rs.1,26,000/- x 18 = Rs.22,68,000/-	(18) Rs.1,05,000/- x 18 = Rs.18,90,000/-
Funeral expenses	Rs.15,000/-	Rs.15,000/-
Loss of estate & loss of love and affection	Rs.15,000/-	Rs.15,000/-
Total	**Rs.22,98,000/-**	**Rs.19,20,000/-**
Interest	7.5% p.a.	7.5% p.a.

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

17.04.2026 **(Nidhi Gupta)**
Sunena **Judge**

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