



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

(105)

FAO-680-1989 (O&M)

Reserved on : 05.05.2026

Pronounced on : 19.05.2026

Uploaded on : 19.05.2026

Samta Rani Alias Rani and others

`...Appellants

Versus

Vijay Kumar and others

... Respondents

CORAM :HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Judgepreet Singh Warring, Advocate and
Mr. Kuldeep Kumar, Advocate
for the appellants.

None for respondent No. 1.

Service qua respondent No. 2 dispensed with
v.o.d. 21.04.2026.Mr. Amit Jaiswal, Advocate
for respondent No. 3. -Insurance Company.

Amarinder Singh Grewal, J.

1. The present appeal has been preferred by the claimants-appellants against the award dated 15.02.1989 passed by the learned Motor Accident Claims Tribunal, Faridkot (hereinafter referred to as "the learned Tribunal"), whereby compensation of Rs.15,000/- under the principle of "No Fault Liability", along with interest, was awarded on account of death of Sat Pal in a motor vehicular accident dated 01.03.1987 involving truck No.RSF-3945, while holding that rash and negligent driving on the part of respondent No.2-driver was not proved. Aggrieved against the said findings as well as the quantum of compensation awarded, the appellants have preferred the



present appeal seeking enhancement of compensation and reversal of the findings on negligence.

2. Brief facts of the case is that on 01.03.1987, at approximately 11:30 PM, the deceased Sat Paul, along with witnesses Ravinder Kumar (AW2) and Gurdev Singh (AW3), were traveling in a Mini Bus (No. PBM 8136) from Dabwali to Muktsar. That bus went out of order between Mehna and Bhagu. The deceased along with Gurdev Singh and Ravinder Kumar were going to Bhagu on foot, to seek some help for the bus which had gone out of order. When they reached near the bus stand of village Bhagu, Sat Paul was walking on the left side of the road and his two companions were walking on the right hand side of the road. At about 11.30 P.M. a truck No. RSF 3945 driven by Charat Singh came at a very high speed from the side of Dabwali. Charat Singh was driving the truck rashly and negligently. He applied the brakes of the truck all of a sudden. The truck took a turn and turned turtle, killing Sat Paul at the spot. His companions went to Muktsar to inform the relatives of Sat Paul. An F.I.R. was lodged with the Police. Samta Rani is the widow, Sanjiv Kumar minor son and Neelam, Sunita and Neeta are minor daughters of deceased and they are his legal heirs. Further learned Tribunal from the pleadings of the parties, framed 4 issues and then after appreciating oral evidence on the record learned Tribunal held claimants entitled to get compensation of Rs. 15,000/- under no fault theory under section 92A of Motor Vehicles Act, 1939. Further, respondent Nos.1 and 2 were held jointly and severally liable to pay the compensation amount, however, since the offending vehicle was insured with respondent No.3-The Oriental Insurance Company Ltd., the claimants were held entitled to



recover the awarded amount along with interest @ 12% per annum from respondent No.3.

3. At the outset, it may be noticed that the present matter pertains to a burnt case and the original lower Court record is not available for perusal. The appeal is, therefore, being considered on the basis of the material available on the reconstructed record including the impugned award.

4. Learned counsel for the appellants contended that the impugned award suffers from patent illegality as the learned Tribunal confined the compensation to ₹15,000/- under Section 92-A of the Motor Vehicles Act, 1939 (corresponding to Section 140 of the Motor Vehicles Act, 1988) on the principle of “No Fault Liability”, without adjudicating the claim petition under Section 110-A of the 1939 Act (corresponding to Section 166 of the 1988 Act). It has been argued that compensation under Section 92-A is only interim and summary in nature and cannot substitute determination of just compensation under Section 110-A/Section 166 of the Act. It has further been argued that though the learned Tribunal recorded findings that the deceased was 45 years of age and earning ₹1,000/- per month, it failed to compute annual dependency, apply the multiplier method, or award compensation under conventional heads. Instead, a lump sum amount of ₹15,000/- came to be awarded, which is clearly traceable to Section 92-A alone and not to a reasoned adjudication of compensation. Learned counsel submitted that the multiplier method being the settled mode for assessment of compensation, the award is liable to be modified accordingly. It has been contended that even on the basis of the income assessed by the learned Tribunal itself, the compensation payable would be substantially higher. On



the aforesaid premises, prayer has been made for enhancement of compensation to ₹8,60,000/- after adjusting the amount already awarded, along with interest @ 14% per annum or, in the alternative, @ 12% per annum from the date of filing of the claim petition till realization. Reliance has been placed upon the judgments of the Hon'ble Supreme Court in *Jiju Kuruvila and others v. Kunjijamma Mohan and others, 2013(3) RCR (Civil) 817 : (2013) 9 SCC 166, decided on 02.07.2013*, and *Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram and others, 2018(4) RCR (Civil) 333 : (2018) 18 SCC 130, decided on 18.09.2018*,

5. *Per contra*, learned counsel for respondent No.3–Insurance Company had contended that the impugned award had been passed after proper appreciation of the evidence available on record and did not call for any interference by this Court. It had further been argued that the claimants failed to produce any cogent evidence regarding higher income of the deceased and, therefore, the compensation awarded by the learned Tribunal was just and reasonable. Learned counsel for the respondents has placed reliance upon the judgment passed by this Court in *Baldev Singh and others v. Labh Singh and another, FAO-3662-2001, decided on 21.01.2026*, and in *Smt. Rekha v. Ravinder Kumar and others connected matters, i.e. FAO Nos.4721 and 4722 of 2005 as well as FAO Nos.554 and 555 of 2006 (O&M), decided on 17.04.2026*.

6. I have heard learned counsel for the parties and perused the paper-book, with their able assistance.

7. After hearing learned counsel for the parties and perusing the record, this Court is unable to concur with the findings recorded by the



learned Tribunal while deciding Issue No.1. The learned Tribunal proceeded to dismiss the claim petition primarily on the premise that the deceased himself came all of a sudden on the road after easing himself and, therefore, the accident occurred solely on account of his own negligence. The said approach, in the considered opinion of this Court, is not borne out from the material available on record. It is not disputed that the offending vehicle was a heavy truck which turned turtle at the spot after application of brakes, resulting in the deceased being crushed underneath. Even according to respondent No.2-driver himself, the road in question was uneven and full of ditches and mounds. The occurrence took place near village Bhagu on a village road and not on a controlled-access highway where pedestrian presence would be wholly unexpected. In such circumstances, the driver of a heavy vehicle was expected to exercise a greater degree of care and caution. The very manner in which the accident occurred attracts the doctrine of *Res Ipsa Loquitur* “the thing speaks for itself”. A heavy truck ordinarily does not overturn merely upon application of brakes if it is being driven with due caution and under proper control. Once the vehicle turned turtle on the road itself, an inference of negligent handling and failure to maintain proper control over the vehicle legitimately arises. The burden, therefore, shifted upon the driver to satisfactorily establish that the accident occurred despite exercise of reasonable care. Except for the bald assertion of respondent No.2-driver that the deceased suddenly came onto the road and that the truck was being driven at a speed of 20 km per hour, no cogent or independent evidence has been brought on record to substantiate the said plea. Mere self-serving testimony of the driver, unsupported by any contemporaneous material, cannot by itself be accepted to conclusively establish that the



accident had become unavoidable. Significantly, no site plan, mechanical inspection report, skid mark analysis, or any other independent evidence has been referred to or relied upon by the learned Tribunal while completely exonerating the truck driver from negligence. In the absence of such corroborative material, the finding recorded by the learned Tribunal absolving respondent No.2-driver of negligence cannot be sustained. Accordingly, this Court holds that the accident occurred due to rash and negligent driving of truck No. RSF-3945 by respondent No.2 and the finding recorded by the learned Tribunal on Issue No.1 is hereby set aside.

8. Turning to the quantum of compensation, the learned Tribunal, after erroneously exonerating the driver of negligence, restricted the ultimate award to a mere ₹15,000/- under the principle of “No Fault Liability.” Consequently, despite noting the age of the deceased to be 45 years and calculating a monthly dependency of ₹750/-, the learned Tribunal completely failed to undertake any effective multiplier-based computation to evaluate the true loss of dependency. For ready reference, the restrictive compensation structure assessed by the learned Tribunal is reproduced hereunder:

Sr. No.	Particulars	Assessed by Tribunal
1.	Monthly income of the deceased	Rs. 1,000/-
2.	Deduction towards personal expenses	1/3rd
3.	Monthly dependency	Rs. 750/-
4.	Age of the deceased	45 years



Sr. No.	Particulars	Assessed by Tribunal
5.	Multiplier applied by Tribunal	6
6.	Compensation awarded	Rs. 15,000/-
7.	Nature of compensation	Under “No Fault Liability”
8.	Interest awarded	12% per annum

9. Having overturned the finding on negligence by invoking the doctrine of *res ipsa loquitur*, this Court must now determine the just compensation payable to the appellants. The accident dates back to the year 1987. While there is no direct documentary proof of the exact monthly earnings of the deceased, the record contains the registration certificate of the Mini Bus (Ex.P-9). While the statutory minimum wages for an unskilled worker in Punjab during 1987 were lower, the learned Tribunal rightly adopted a pragmatic and realistic approach by assessing the income of the deceased at ₹1,000/- per month. Keeping in view that the Motor Vehicles Act is a beneficial welfare legislation, this Court finds no reason to interfere with this assessment, especially considering that the deceased was actively associated with the operation of a Mini Bus and was maintaining a large family comprising five dependents (a widow and four children). At the time of the accident, the deceased was 45 years of age. In terms of the law laid down by the Hon’ble Supreme Court in Sarla Verma v. Delhi Transport Corporation AIR (2009) SC 3104, the appropriate multiplier for the age group of 41 to 45 years is '14'. Furthermore, since the deceased was self-employed, an addition of 25% towards future prospects must be made in



accordance with the Constitution Bench mandate in *National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680*. Given that the deceased left behind 5 dependents, the statutory deduction toward personal and living expenses must be restricted to 1/4th, rather than the 1/3rd applied by the learned Tribunal. Accordingly, the monthly income of the deceased is assessed at Rs.1,000/-. After addition of 25% towards future prospects, the monthly income comes to Rs.1,250/-. Deducting 1/4th therefrom towards personal and living expenses of the deceased, i.e. Rs.312.50/-, the net monthly loss of dependency comes to Rs.937.50/-. Consequently, the annual loss of dependency is assessed at Rs.11,250/-. Applying the multiplier of '14', the total loss of dependency is computed at Rs.1,57,500/- (Rs.11,250 × 14).

10. In addition thereto, claimant No.1-widow as well as claimant Nos.2 to 5, being the children of the deceased, are entitled to compensation towards consortium in terms of the judgment of the Hon'ble Supreme Court in *Magma General Insurance Co. Ltd. v. Nanu Ram, 2018(4) RCR (Civil) 333*. Accordingly, each of the five claimants is held entitled to Rs.48,400/- towards loss of consortium/love and affection, totalling Rs.2,49-2,000/-. The claimants shall further be entitled to Rs.18,150/- towards funeral expenses and Rs.18,150/- towards loss of estate, after applying escalation @10% every three years in terms of the principles laid down by the Hon'ble Supreme Court in *Pranay Sethi's case (supra)*. Thus, the total compensation payable to the appellants works out to Rs.4,35,800/-.

11. The enhanced compensation, i.e. over and above the compensation awarded by the learned Tribunal, shall also carry interest @7.5% per annum from the date of filing of the claim petition till its



realization, payable by the respondent No.3 to the appellants-claimants in equal ratios.

12. In view of the aforesaid facts and circumstances, the award passed by the learned Tribunal is modified and the present appeal is allowed to the above extent.

13. Pending miscellaneous application(s), if any, shall stand disposed of. No order as to costs.

May 19, 2026
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No