IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1418-2025 (O&M)
Date of Decision: 19.03.2026

Reenu and others ....Appellants

V/s

Mahipal and others ....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Amardeep Singh, Advocate, for
Mr.Chanderhas Yadav Advocate for the appellants.

Mr. Krishan Kant, Advocate,
for respondent No.3-insurance co.

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VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants, who are the widow, minor daughter and mother of one Dharmender (since deceased), seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Jhajjar (for short "the MACT") vide award dated 06.11.2024 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 Dharmender, who expired in a motor vehicular accident which took place on 02.05.2021.

2. The facts, as emanating from the paper book, are that on 02.05.2021, Dharmender (since deceased) had gone for doing some exercise on his scooty bearing registration No. HR-77C-4893, when at about 5:30 AM , Pawan (brother of the deceased) received information regarding the accident of his brother Dharmender at Imlota Chhuchhakwas road. Upon receipt of the information, Pawan along with his family members reached at the spot and found his brother Dharmender lying dead on the road and his scooty also lying there. The offending Truck/Trolla was also lying in the field. The registration No. of the offending vehicle as noted by Pawan was

HR-69D-5856. The people who had gathered on the spot of the accident disclosed that the accident had taken place due to the rash and negligent driving of the offending vehicle by its driver i.e (Respondent No 1).

3. FIR No.116 dated 02.05.2021, under Sections 279 and 304-A IPC, was registered at Police Station Salhawas.

4. It was averred that, at the time of the accident, the deceased Dharmender was 38 years of age and was owner of one Devanshi Washing Point, and was earning approximately Rs.55,000/- per month. Accordingly, compensation of Rs.1,00,00,000/- along with interest at the rate of 12% per annum from the date of filing of the petition till its realization was claimed.

5. On notice, respondents No.1 and No 2 (driver and owner of the offending vehicle) appeared and filed written statement. They denied all the averments made in the petition including the factum of the accident.

6. The claim petition was opposed by respondent No.3-insurance company. In the written statement, it took its usual defences and denied the factum of the accident.

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

> ***"1. Whether the accident, resulting into the death of Dharmender son of Raj Singh had taken place due to rash and negligent driving of vehicle bearing registration . No.HR-69-D-5856 by respondent No.1, as alleged?OPP***
>
> ***2. If issue No 1 is proved in affirmative,whether the petitioner and proforma petitioners are entitled to compensation. If so, to what amount and from whom?OPP***
>
> ***3. Whether respondent no.1 was not holding a valid and effective driving license on the date of the alleged accident,if so,its effect ?OPR3***
>
> ***4. Whether respondent no. 2 had contravened the terms and conditions of insurance policy,if so, its effect? OPR-3***
>
> ***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 38 years and his monthly income was assessed as Rs.9710/- per month treating him to be an unskilled labourer. All claimants were held to be dependent on the income of the deceased. 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,*** the MACT assessed and granted the following compensation:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	38 years
2.	Income of the deceased	Rs.9710/-
3.	Future prospects @ 40%	Rs.9710+Rs.3884/- = Rs.13594/- per month Annual income Rs.1,63,128/-
4.	Deduction of 1/3 of the income as personal expenses of the deceased	Rs.54,376/-
5.	Loss of income	Rs.1,08,756/-
6.	After applying Multiplier of '17'	Rs.108756/- x 15 =Rs.16,31,340/-
7.	Funeral expenses	Rs.18,150/-
8.	Loss of Estate	Rs.18,150/-
9.	Consortium	Rs.48,400/-
10.	Loss of Parental consortium to the minor daughter	Rs 48,400/-
	Total	Rs 17,64,440/-

As such, compensation of Rs.17,64,440/- was granted along with interest @ 6% per annum from the date of filing of the claim petition till its actual realization. As it was not proved by the respondent-Insurance company that respondent No.1 was not holding a valid driving licence, the liability to pay the compensation was fastened upon all the respondents jointly and severally.

10. I have heard learned counsel for the parties.

11. Learned counsel for the appellants has submitted that the MACT erred in assessing the income of the deceased (Dharmender) as Rs.9,710/- per month, and he submitted that the income of the deceased should be assessed, at least as that of a semi-skilled labour which at the relevant time was 10,188/- per month as the deceased was the owner of one "Devanshi washing Point", and was earning a sum of Rs 55,000/- per month from the same. It has also been averred that the amount needs to be enhanced under conventional heads as no amount under the head of consortium was granted to the mother of the deceased and the same should have been awarded 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 there is no illegality in the findings recorded by the MACT. He submits that once there was no proof as regards the work being done by the deceased, the monthly income was rightly assessed as Rs.9,710/- per month. However, as regards the compensation awarded on account of conventional heads, learned counsel submits that the MACT has erred in the same, as they are on the higher side as per the law laid down by the Supreme Court of India in **Pranay Sethi** (supra).

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

14. In so far as the income of the deceased is concerned, there was absolutely no evidence to prove that the deceased (Dharmender) was earning Rs.55,000/- per month. In the considered opinion of this Court, the MACT rightly assessed the notional income of the deceased. The MACT has awarded a total sum of Rs.48,400/- towards consortium qua the widow

and the minor daughter which in the considered opinion of this court is on the higher side as the accident pertains to the year 2021. However, in terms of the ratio laid down by the Supreme Court of India in the case of **Pranay Sethi** (supra), filial consortium @ Rs.44,000/-, is required to be granted to the mother of the deceased(Ramdei) as well.

15. Accordingly, the compensation assessed by this Court is as under, keeping in view 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	38 years	No change
2.	Income of the deceased	Rs.9710/-	No change
3.	Future prospects @ 40%	Rs.9710+Rs.3884/- = Rs.13,594/- per month Annual income Rs.1,63,128/-	No change
4.	Deduction of 1/3 of the income as personal expenses of the deceased	Rs.54,376/-	No change
5.	Loss of income	Rs.1,08,756/-	Rs.1,08,752/- (no change)
6.	After applying Multiplier of '15'	Rs.108756/- x 15 =Rs.16,31,340/-	(no change) Rs.16,31,340/-
7.	Funeral expenses	Rs.18,150/-	Rs.16,500/-
8.	Loss of Estate	Rs.18,150/-	Rs.16,500/-
9.	Consortium	Rs.48,400/-	Rs.44,000/-
10.	Parental consortium	Rs.48,400/-	Rs.44,000/-
11.	Consortium to the mother of the deceased	Not Granted	Rs.44,000/-
Total Compensation		**Rs.17,64,440/-**	**Rs.17,96,340/-**

The total compensation, therefore, comes to Rs.17,96,340/-. After deducting a sum of Rs.17,64,440/- as assessed by the MACT, the balance compensation comes to Rs.31,900/-. 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.

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

(VIKRAM AGGARWAL)
JUDGE

March 19, 2026
ds/T

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No