



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-1347-2024(O&M)
Date of decision: 18.03.2026

Tasleem and others

... Appellants

Versus

Harun and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Talim Hussain, Advocate,
for the appellants.

Mr. Vishwajit Bedi, Advocate, and
Mr. Mohit Kaushik, Advocate,
for respondent No.3-Insurance Company.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been instituted by the appellants-claimants seeking enhancement in compensation awarded by the Motor Accident Claims Tribunal, Nuh (for short "the **MACT**"), vide award dated 30.11.2023, on account of death of one Majid Khan, who expired in a motor vehicular accident, which took place on 03.12.2019.

2. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as '**the MV Act**') was filed by the claimants, for the grant of compensation of Rs.70,00,000/-. It was pleaded that on 03.12.2019, the deceased (Majid) along with Juber was travelling from Tauru to Aravali Colony, Nuh, on a motorcycle bearing registration No.RJ-40-SE-1741, which was being driven by Majid, while Juber was a pillion rider. Changej Khan, the complainant in the criminal case, was also travelling in his car, following the said motorcycle. When they reached near



Mariya Manjil School, Nuh, a Baleono car bearing registration No.HR-27-H-8078 (hereinafter referred to as '**the offending vehicle**') came from the opposite direction. The said offending vehicle, being driven by respondent No.1 in a rash and negligent manner, struck the motorcycle. As a consequence, Majid Khan sustained grievous and fatal injuries and died on the spot, while Juber suffered multiple serious injuries. Respondent No.1 fled from the spot along with the offending vehicle. However, the complainant noted down its registration number. The postmortem examination of the deceased Majid Khan was conducted at CHC, Nuh.

4. Respondents No.1 and 2, i.e. the driver and owner of the offending vehicle, contested the petition by filing a joint written statement, in which, they denied the factum of accident having been caused by respondent No.1. In the alternative, it was pleaded that, in the event any compensation is awarded, respondent No.3 would be liable to pay the same.

5. Respondent No.3, i.e. the Insurance Company, filed a separate written statement pleading that the offending vehicle had been falsely implicated in connivance with the police authorities and that the accident, if any, had taken place due to negligence of the deceased himself. Further, it was pleaded that respondent No.1 was not having a valid driving licence to drive the alleged vehicle and violated the terms and conditions of the insurance policy.

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

“1. Whether the accident resulting in death of Majid Khan son of Masab, took place on 03.12.2019 at about 9:00 PM, in the area of Police Station Nuh, on account of



rash and negligent driving of respondent No. 1 while driving vehicle bearing registration No. HR-27-H-8078? OPP

2. If issue No.1, is proved, to what amount of compensation petitioners are entitled to and from whom? OPP.

3. Whether the respondent No. 2 has violated the terms and conditions of insurance policy as respondent No. 1 was not holding a valid and effective driving licence, if so, to what effect? OPR-3

4. Relief.”

7. Parties led their respective evidence.

8. Vide award dated 30.11.2023, the MACT partly allowed the claim petition and awarded a sum of Rs.18,84,400/- as total compensation. The details of the compensation awarded by MACT under different Heads are as under:-

Sr. No.	Heads of Claim	Amount (in Rupees)
1	Age	22 years
2	Income	1,34,400/- per annum (8000x12=96,000/- plus 40% future prospects)
3	Multiplier	18
4	1/4th deduction of Rs.1,34,400/- on a/c of personal expenses	1,00,800/-
5	Loss of consortium	40,000/-
6	Funeral expenses	15,000/-
7	Loss of estate	15,000/-
Total		18,84,400/-

9. Seeking enhancement in the aforesaid compensation, the instant appeal has been preferred.

10. I have heard learned counsel for the parties.



11. Learned counsel for the appellants submits that minimum wages for a Labourer were erroneously assessed at Rs.8,000/- per month, whereas they were Rs.9024/- per month at the relevant time. He further submits that consortium should have been awarded to all claimants irrespective of the fact as to whether they were dependent upon the deceased or not. Learned counsel also submits that compensation on account of funeral expenses and loss of estate also deserves to be enhanced in view of the judgment of the Hon’ble Apex Court in **National Insurance Company Limited vs. Pranay Sethi and Ors., 2018 (2) SCC (cri) 205** and **Magma General Insurance Company Ltd. vs. Nanu Ram @ Chuhru Ram, (2018) 18 SCC 130**.

12. Per contra, learned counsel representing the Insurance Company submits that adequate compensation has been awarded by the MACT. However, learned counsel could not controvert the fact that the minimum wages at the relevant time were Rs.9024/- per month, and that in view of the ratio laid down in the case of **Pranay Sethi** (supra) the consortium would be payable to all claimants.

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

14. Having considered the submissions made by learned counsel for the parties, the compensation awarded by the MACT is enhanced as under:-

Sr. No.	Heads of Claim	Awarded by MACT	Enhanced compensation
i)	Age	22 years	22 years
ii)	Income	Rs.8,000/- p.m.	Rs.9,024/- p.m.



	Income after addition of 40% future prospects	Rs.1,34,400/- (96000/- + 38400/-)	Rs.1,51,603/- (1,08,288/- + 43315/-)
iii)	1/4th of Rs.1,34,400/- deducted as personal expenses	Rs.1,00,800/-	Rs.1,13,702/-
iv)	Compensation after multiplier of 18 is applied	Rs.1,00,800x18 = Rs.18,14,400/-	Rs.1,13,702x18 = 20,46,636/-
v)	Loss of consortium	Rs.40,000/-	Rs.2,40,000/- (40,000/-x6)
vi)	Loss of estate	Rs.15,000/-	No Change
vii)	Funeral expenses	Rs.15,000/-	No Change
	Total	Rs.18,84,400/-	Rs.23,16,636/-

15. The total compensation, therefore, comes to Rs. 23,16,636/-. After deducting a sum of Rs.18,84,400/- as assessed by the MACT, the balance compensation comes to Rs.4,32,236/-. 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 instant appeal is accordingly disposed of.

17. Pending application(s), if any, also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

March 18, 2026
Rajan

Whether speaking / reasoned: Yes
Whether Reportable: Yes