IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

134) FAO-1738-2025 (O&M)
Date of Decision: 12.02.2026

Nirmal Kaur and another ....Appellants

V/s

Krishan and others ....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Chander Pal Tiwana, Advocate, for the appellants.

Mr. Shailender Singh Gill, Advocate,
for respondents No.1 and 2.

Mr. Vinod Gupta, 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 parents of Harvinder Pal (since deceased), seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Kaithal (for short “the MACT”) vide award dated 23.10.2024 in a claim petition instituted under Section 166 of the Motor Vehicles Act, 1988 (for short “the MV Act”) on account of death of their son Harvinder Pal, who expired in a motor vehicular accident which took place on 04.12.2021.

2. The case of the claimants was that on 04.12.2021, their son Harvinder Pal was returning from Kalayat to Village Dera Ratanpura on his motorcycle being driven by him at a moderate speed in accordance with traffic norms and rules. His cousin Vishaldeep and Malak Singh were following him in vehicle No.DL-1-CN-5619. At about 5.00 P.M., when they reached near Rajwaha, Kalayat Road, Ramgarh, a motorcycle bearing Regn. No.HR-83-A-5015 (hereinafter referred to as “the offending vehicle”), being driven by its driver (respondent No.1-Krishan), came at a very high speed and in a rash and negligent manner and hit the motorcycle of

Harvinder Pal, as a result of which, he fell down and received multiple serious injuries and became unconscious and subsequently expired. The driver of the offending vehicle fled from the spot after causing the accident.

3. FIR No.341, dated 04.12.2021 was registered at Police Station Kalayat, under Sections 279, 304A IPC against respondent No.1 on the complaint submitted by Vishaldeep.

4. It was averred that Harvinder Pal was 18 years old and was working as an agriculturist and was also running a milk dairy. He was earning Rs.30,000/- per month. It was pleaded that, in the normal course of events, his income would have increased in future. However, due to his untimely death caused by the accident, the claimants had suffered irreparable loss of financial support, love, and affection. Accordingly, adequate compensation under various heads was claimed for his untimely death.

5. The driver and owner of the offending vehicle filed their joint written statement and denied the factum of the accident.

6. The insurance company raised its usual defences in the written statement and denied the factum of the accident. It was averred that motorcycle bearing Regn. No.HR-83-A-5015 was falsely implicated by the claimants in collusion with the police and respondents No.1 and 2.

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

> ***"1. Whether Harvinder Pal s/o Kashmir Singh had died in a road accident, which took place on 04.12.2021, at about 5.00 P.M., Near Rajwaha Kalayat Road, Ramgarh, within the jurisdiction of P.S. Kalayat, due to rash and negligent driving of motorcycle No.HR-83-A-5015, by respondent No.1?OPP***
>
> ***2. If issue No.1 is proved in affirmative, what would be the amount of compensation and who would be liable to pay the same?OPP***
>
> ***3. Whether the respondent No.1 was not holding a valid and effective driving licence at the time of accident and the terms and condition of insurance policy were violated?OPR-3***

4. 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 20 years, and 11 months and his monthly income was assessed as Rs.9800/- per month by treating him to be a labourer. 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 was also added to the income and a multiplier of '18' was applied by the MACT. Since the driver of the offending vehicle did not have a valid 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	20 years and 11 months
2.	Income of the deceased	Rs.9800/- per month
3.	Future prospects @ 40%	Rs.3920/- = Total income Rs.13,720 per month and Rs.1,64,640/- annual income
4.	After deducting 1/2 of the income as personal expenses of the deceased	Rs.82,320/-
5.	After applying Multiplier of '18'	Rs.82320/- x 18 =Rs.14,81,760/-
6.	Funeral expenses	Rs.16,500/-
7.	Loss of Estate	Rs.16,500/-
	Total Compensation	**Rs.15,14,760/-**

As such, compensation of Rs.15,14,760/- was granted along with interest @ 7% per annum from the date of filing of the claim petition till its actual realization.

10. I have heard learned counsel for the parties.

11. Learned counsel for the appellants submits that the deceased (Harvinder Pal) was an agriculturist and was also running a dairy farm. He submits that his income was Rs.30,000/- per month and despite that the MACT assessed the income as Rs.9800/- per month by treating the deceased to be a labourer. He submits that a young lad of 20 years of age engaged in farming with his father could not be said to be earning Rs.9800/- per month.

12. Learned counsel further submits that compensation under conventional heads was not granted in terms of the judgment of the Supreme Court of India in ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.*** As regards claim of filial consortium, it has been submitted that the same would be @ Rs.48,400/- for each dependant (for all the claimants).

13. *Per contra*, learned counsel for the insurance company opposed the submissions made by learned counsel for the appellants. It has been submitted that no proof of the avocation of the deceased was produced as a result of which, the MACT rightly assessed the income of the deceased as Rs.9800/- per month while treating him to be a labourer. However, learned counsel could not controvert the submissions about the consortium/filial compensation being payable and about the compensation under the conventional heads.

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

15. Coming first the avocation of the deceased, it was claimed that the deceased was an agriculturist and was also running a dairy farm. His income, in the claim petition, was claimed to be Rs.30,000/- per month. However, absolutely no proof of his avocation was produced. No revenue

record was produced to prove that he was the owner of some land. No record was produced to even suggest that his father was an agriculturist owning some agricultural land. No proof of income was produced. Under the circumstances, the MACT did not commit any illegality in treating the deceased to be a labourer, especially when no proof of educational qualifications had also been produced. No fault can, therefore, be found in the course adopted by the MACT. However, in terms of the ratio laid down by the Supreme Court of India in the case of ***National Insurance Company Limited vs. Pranay Sethi and others***, **(2017)16 SCC 680**, filial consortium, @ Rs.48,400/- for each dependant (for all the claimants) was required to be granted. Still further, for funeral expenses and loss of estate, Rs.18150/- for each head was also required to be awarded.

16. 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	20 years and 11 months	No change
2.	Income of the deceased	Rs.9800/- per month	No change
3.	Future prospects @ 40%	Rs.3920/- = Total income Rs.13,720 per month and Rs.1,64,640/- annual income	No change
4.	After deducting 1/2 of the income as personal expenses of the deceased	Rs.82,320/-	No change
5.	After applying Multiplier of '18'	Rs.82320/- x 18 =Rs.14,81,760/-	No change
6.	Funeral expenses	Rs.16,500/-	Rs.18150/-
7.	Loss of Estate	Rs.16,500/-	Rs.18,150/-

8.	Filial consortiums for parents	Not granted	Rs.96,800/- (Rs.48400/- each)
8.	**Total Compensation**	**Rs.15,14,760/-**	Rs.16,14,860/-

17. The total compensation, therefore, comes to Rs.16,14,860/- After deducting a sum of Rs.15,14,760/- as assessed by the MACT, the balance compensation comes to Rs.1,00,100/-. 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

February 12, 2026
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No