

2026.PHHC.013479



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

FAO-1417-2025 (O&M)

Date of Decision: 28.1.2026

Munna Lal @ Manna Lal

....Appellant

Versus

Narender and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rajesh Goyal, Advocate, for the appellant.

Mr. Vinod Gupta, Advocate, for respondent No.3.

VIKRAM AGGARWAL, J.

The instant appeal has been instituted by the appellant-claimant seeking enhancement in compensation awarded by the Motor Accident Claims Tribunal, Panipat (for short 'the MACT'), on account of death of one Desraj, who expired in a motor vehicular accident, which took place on 14.02.2021.

2. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act') was filed by the claimant, brother of one Desraj. It was pleaded that on 14.02.2021, the claimant and Desraj, were going on a motorcycle bearing Registration No. HR-06Y-1345 from Panipat to Gurvinder Cotton Waste Factory at village Sondhapur, District Panipat. The said motorcycle was being driven by the

complainant and deceased-Desraj was riding pillion. At 8.40 A.M., when they reached Moti Lal Filling Station Petrol Pump, a Government bus bearing registration No. HR-67B-5171 (hereinafter referred to as 'the offending vehicle'), which was being driven in a rash and negligent manner and at a very high speed, hit the motorcycle from behind, as a result of which, the claimant fell down on the unmetalled portion of the road, whereas his deceased brother (Desraj) fell on the road and came under the bus. Desraj was brought to the Civil Hospital, Panipat, where the Doctor declared him dead. The driver fled from the spot along with the offending vehicle. FIR No. 46 dated 14.02.2021 under Sections 279 and 304-A IPC was registered at Police Station Old Industrial Area, District Panipat. During investigation, the complainant got a supplementary statement recorded that due to mistake, wrong number of the offending vehicle was mentioned in the FIR and the correct number was HR-56B-1016. Accordingly, compensation of Rs.25,00,000/- was claimed on account of the death of said Desraj.

3. Respondents No.1 and 2 contested the petition by filing written statement, taking preliminary objections regarding maintainability, *locus standi* and cause of action. On merits, it was asserted that the accident had taken place due to negligence of the deceased himself, who could not observe the traffic rules and moving traffic on the road. In the alternative, it was pleaded that if the MACT came to the conclusion that respondent No.1 was responsible for the accident in question, then liability should be fastened upon respondent No.3-Insurance Company.

Respondent No.3-Insurance Company filed its separate written statement taking preliminary objections regarding *locus standi*; cause of action, etc. On merits, it was averred that the driver and the owner of the offending vehicle failed to inform the Insurance Company about the accident and that they had violated the terms of the insurance policy. The factum of the accident was denied and rather, it was asserted that in the FIR, the number of the offending vehicle was mentioned as HR-67B-5171, but at the time of submission of the final report in the Court, the same was mentioned as HR-56B-1016, which clearly showed that the accident was not caused by the driver of the Haryana Roadways bus bearing registration No. HR-56B-1016.

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

- 1. Whether the accident in question resulting into the death of Desraj son of Sunder Lal took place due to rash and negligent driving of offending Bus bearing registration No. HR-56B-1016 by respondent No.1, as alleged? OPP**
- 2. If issue No.1 is proved in affirmative, what amount of compensation, the petitioner Munna Lal @ Manna Lal is entitled to and from whom? OPP**
- 3. Whether the vehicle in question was being driven in violation of the terms and conditions of the insurance policy. If so, to what effect? OPR3.**
- 4. Relief.**

5. Parties led their respective evidence.

6. Vide award dated 24.10.2024, the MACT allowed the petition filed by the claimant, awarding the following compensation:-

Sr. No.	Heads	Calculation (in Rs.)
i)	Income	Rs.12,500/- per month (including future prospects) (Rs.10,000/- +2500/-)
ii)	1/2 of (i) deducted as personal expenses per month of the deceased	Rs.12,650-Rs.6,250/- = Rs.6,250/-
iii)	Compensation after multiplier of 13 is applied	Rs.6250x12x13 = Rs.9,75,000/-
iv)	Loss of consortium	Rs.44,000/-
v)	Loss of estate	Rs.16500/-
vi)	Funeral expenses	Rs.16,500/-
	Total	Rs.10,52,000/-

7. Seeking enhancement in the said compensation, the appellant-claimant has filed the instant appeal.

8. I have heard learned counsel for the parties.

9. Learned counsel for the appellant submits that the MACT erred in holding that it had not been proved that deceased-Desraj was working as a press master in a factory, whereas in the FIR itself, it had been recorded that when the accident took place, deceased-Desraj along with the claimant was going from Panipat to Gurvinder Cotton Waste Factory at village Sondhapur, District Panipat. Learned counsel submits that this vital piece of evidence was not considered by the MACT.

It is further submitted by learned counsel for the appellant that the age of deceased-Desraj was also wrongly

assessed as 48 years, whereas he was actually 35 years old, though learned counsel concedes that apart from the post mortem report, there was no evidence produced on record by the appellant-claimant. Learned counsel submits that along with the post mortem report, there was a form, which had been filled up for the autopsy, in which the age of the deceased was mentioned as 35 years.

Learned counsel also submits that in terms of the law laid down by the Hon'ble Supreme 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**, the amount awarded on account of consortium; funeral expenses and loss of estate, also deserves to be enhanced.

10. *Per contra*, learned counsel representing the respondent-Insurance Company submits that the compensation awarded by the MACT is adequate and the MACT rightly assessed the monthly income of the deceased at Rs.10,000/- (Rs.12,500/- including future prospects). However, he could not deny the factum of the consortium/filial compensation being payable in terms of the judgment of the Hon'ble Supreme Court of India in the case of **Pranay Sethi** (supra).

11. I have heard learned counsel for the parties.

12. Apart from the mention in the FIR, no evidence worth its name, was produced to even, *prima-facie*, prove that deceased-Desraj was a press master in some factory. No person from the factory was examined. No record was produced. No

other witness, who could have stated about this fact in a positive manner, was examined. Under the circumstances, the MACT, did not commit any illegality in treating deceased-Desraj, as a labourer and assessing his income as Rs.10,000/- p.m. on the basis of the minimum wages prevailing at the time of his death.

13. In so far as the age of the deceased is concerned, concededly, in the post mortem report, the age of the deceased was mentioned as 48 years. Apart from this, no evidence was produced. During these days, an Aadhar Card is possessed practically by everyone. Non production of the Aadhar Card would definitely go against the appellant. The mentioning of the age of the deceased as 35 years in the autopsy form would be of no relevance, once the age in the post mortem report is mentioned as 48 years, which was duly produced on record. This cannot be also, therefore, said to be erroneous.

14. However, in terms of the ratio laid down by the Supreme Court of India in the case of **Pranay Sethi** (supra), filial consortium, @ Rs.48,400/-, was required to be granted. Still further, for funeral expenses and loss of estate, Rs.18,150/- under each head, was also required to be awarded.

15. 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	48 years	No Change
ii)	Income	Rs.12,500/- per month (after including future prospects)	No Change

iii)	1/2 of (i) deducted as personal expenses per month of the deceased	Rs.12,650-Rs.6,250/- = Rs.6,250/-	No change
iv)	Compensation after multiplier of 13 is applied	Rs.6250x12x13 = Rs.9,75,000/-	No change
v)	Loss of consortium	Rs.44,000/-	48,400/-
vi)	Loss of estate	Rs.16500/-	18,150/-
vii)	Funeral expenses	Rs.16,500/-	18150/-
	Total	Rs.10,52,000/-	10,59,700/-

The total compensation, therefore, comes to Rs. 10,59,700/-. After deducting a sum of Rs.10,52,000/- as assessed by the MACT, the balance compensation comes to Rs.7,700/-. 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.

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

(VIKRAM AGGARWAL)
JUDGE

28.01.2026
ds

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