



S. No.210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.2653 of 2000 (O&M)
Date of Decision:28.01.2026

Ram Saroop

.....Appellant

Vs.

Hardev Singh and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Aman Sharma, Advocate for the appellant.

Mr. Lalit Garg, Advocate for the respondent- Insurance Company.

Yashvir Singh Rathor, J. (Oral)

1. This appeal has been instituted against award dated 04.08.2000 for enhancement of compensation awarded in MACT case No.17 of 1998 decided by MACT, Sirsa, in a petition under Section 166 of the Motor Vehicles Act, 1988 vide which a sum of Rs.1,50,000/- has been awarded as compensation to the claimant/ appellant along with interest @12% per annum from the date of filing of petition till realisation on account of death of Satish Kumar, who was son of claimant, in a motor vehicular accident.

2. Originally, the claim petition was instituted by the parents of the deceased and during pendency of the claim petition, his mother Smt. Mani Devi expired and her name was deleted from the array of the claimants.

3. Case of the petitioner is that on 28.01.1998 at about 04:30 P.M., deceased- Satish Kumar along with Karamjeet and Chander Pal was standing near New Bus Shelter near ITI, Sirsa. In the meanwhile, private bus bearing



registration No.HR-39/1855 came from the side of Village Rania which was being driven in a rash and negligent manner by respondent No.1 and bus hit Satish Kumar and caused the accident. Respondent No.1 and the conductor of the bus fled away leaving behind the offending vehicle at the spot. FIR was got registered by Karamjeet Singh vide FIR No.133 dated 28.01.1998, for the offences under Sections 279/304-A IPC, at Police Station City Sirsa. It is further submitted that deceased was 20 years of age and he was a final year student of ITI Sirsa and was doing "Turner Course" and after obtaining diploma, he would have got job with a salary of around Rs.4,000/- per month. It is further submitted that petitioner along with his wife was dependant upon the deceased and now they have no source of income and they have suffered huge loss on account of death of their son and a sum of Rs.20 lakhs was claimed as compensation. The bus was owned by respondent No.2 which was insured with respondent No.3 and all the respondents are jointly and severally liable to pay compensation.

4. Respondents No.1 and 2 filed joint written statement and have controverted the contents of the petition. Allegations with regard to rash and negligent driving have been denied. A plea has been taken that when the bus was passing by near the Bus Shelter near ITI, deceased tried to board the bus and he could not succeed and slipped down on the road resulting in the accident due to his own negligence.

5. Respondent No.3- Insurance Company has also challenged the petition on the grounds of maintainability, locus standi and cause of action. The material contents of the petition with regard to rash and negligent driving, age and income of the deceased and his educational qualification have been refuted to be



wrong. It is further submitted that respondent No.1 was not holding a valid and effective driving licence and the owner has violated the terms and conditions of the insurance policy. It is also submitted that the accident took place due to the negligence of the deceased himself and dismissal of the claim petition was sought.

6. Replication was filed and the following issues were framed by the learned Tribunal:-

“1. Whether the accident in question took place on 28.1.1998 in the area of Sirsa due to rash and negligent driving of Bus No.HR-39/1855 by respondent No.1 resulting in the death of Satish Kumar?

OPP

2. Whether the claimants are the only legal heirs/ dependents of the deceased Satish Kumar?OPP

3. How much amount of compensation claimants are entitled to receive for the death of Satish Kumar and from whom? OPP.

4. Whether the claim petition is not maintainable in the present form?
OPR

5. Whether the claimants have no cause of action to file the present petition?OPR.

6. Relief.”

7. Both the parties led their respective evidence in support of their case.

8. After hearing learned counsel for the parties and on going through the material on file, learned Tribunal came to the conclusion that the accident in question resulting in the death of Satish Kumar took place on account of rash and negligent driving on the part of respondent No.1 while driving the offending



vehicle and Issue No.1 was decided in favour of petitioner. Under Issues No.2 and 3, petitioner was held entitled to a sum of Rs.1,50,000/- as compensation and Issues No.2 and 3 were decided in favour of claimant. Under Issues No.4 and 5, it was held that the petition in hand is maintainable and claimants had the cause of action to file the present petition. It was also held that respondent No.1 was holding a valid and effective driving licence and respondent No.3 cannot escape its liability and all the respondents were held liable to pay compensation jointly and severally. A sum of Rs.1,50,000/- was awarded as compensation to the claimant along with interest @ 12% per annum from the date of filing of petition till realisation.

9. Feeling aggrieved, claimant- appellant has filed the present appeal. The record of the Tribunal has been perused and both the parties have been heard.

10. At the very outset, it is pertinent to mention that neither the Insurance Company nor the owner and driver have instituted any appeal or have filed cross objections against the impugned award challenging the finding on Issue No.1. As such, there is no need to go into the finding on Issue No.1 and same is affirmed accordingly.

11. As per version of the claimant, deceased was a student of ITI Sirsa, and was final year student and was also doing Turner Course in the said Institute and he was 20 years of age. In support of his case, claimant – Ram Saroop had stepped into the witness box as PW2 and he has stated the material facts of his case on oath as well. Petitioner has also examined PW1 Siri Ram, Turner Instructor, ITI, Sirsa, who deposed that Satish Kumar was his student in the 1996-1998 Batch in ITI and vocational education which is a department under the



Haryana Government. ITI issues national level certificates known as National Trade Certificates. The students doing Turner Course in ITI are selected by the Companies while they are undergoing final trade test. He deposed that some of the students are getting Rs.8,000/- to Rs.10,000/- per month and after completing apprenticeship of one year, a Turner normally gets Rs.5,000/- to Rs.6,000/- per month as salary and in case he starts his own business, he can earn Rs.10,000/- to Rs.15,000/- per month. He also produced demand letters of Maruti Udyog Limited, Gurgaon Ex.P1 to Ex.P4. Learned Tribunal believing the testimonies of PW1 and PW2 came to the conclusion that deceased was a student of ITI of vocational course of Turner and was unmarried and was 20 years of age and after going through the evidence on file, the Tribunal assessed his income to be Rs.3,000/- per month.

12. In my considered opinion also, the income as assessed by the Tribunal is not on lower side. The accident had taken place in January, 1998 and during those days, the minimum wages of skilled persons were also around Rs.3,000/- per month and I concur with the income as assessed by the learned Tribunal. Deceased was 20 years of age. As per guidelines laid down in 2017 ACJ 2700 – **National Insurance Co. Ltd. Vs. Pranay Sethi and Others**, 40% of the amount has to be added towards future prospects as deceased would have been a self employed person and was not a government employee and was also not having fixed income/ salary. After adding 40% towards the future prospects, the monthly income comes out to **Rs.4200/- (Rs.3000/- + Rs.1200/-)**.

13. Deceased was unmarried and has left behind his parents out of whom his mother also passed away during pendency of the claim petition and



accordingly half of the income has to be deducted towards personal and living expenses as per law laid down in 2009(6) SCC 121 – **Smt. Sarla Verma and others Vs. Delhi Transport Corporation and Another.** After deducting one half of the income towards personal expenses, the monthly dependency comes out to Rs.2100/- and the annual dependency comes out to **Rs.25,200/- (Rs.2100/- x 12).** As per guidelines laid down in **Sarla Verma's case (supra)**, multiplier of 18 has to be applied as deceased was 20 years of age and after applying the same, the compensation comes to **Rs.4,53,600/- (Rs.25,200/- x 18).**

14. In view of guidelines laid down in **Pranay Sethi's case (supra)**, appellant is also held entitled to a sum of **Rs.40,000/-** towards consortium, **Rs.15,000/-** towards loss of estate and **Rs.15,000/-** towards funeral expenses. The total compensation payable thus comes out to **Rs.5,23,600/-** as against Rs.1,50,000/- awarded by the Tribunal. Accordingly, it is held that appellant is entitled to enhanced compensation of **Rs.3,73,600/- (Rs.5,23,600/- - Rs.1,50,000/-).**

15. Resultantly, the petition in hand is accepted with costs and appellant is held entitled to a sum of **Rs.3,73,600/-** as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 16.03.1998 till realization payable by respondents No.1 to 3 jointly and severally. The entire amount be paid to the appellant in cash and be deposited in his bank account.

16. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of direction issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled **Bajaj Allianz**



General Insurance Company Versus Union of India and others, decided on 16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.

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

(Yashvir Singh Rathor)
Judge

January 28, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No