



FAO-966-2000 (O&M)

- 1-

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

207

FAO-966-2000 (O&M)

Date of decision: 09.03.2026

NARINDER KAUR & ORS.

....APPELLANTS

VERSUS

SURJIT SINGH & ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Praagbir Singh Dhindsa, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.3.

YASHVIR SINGH RATHOR. J.(Oral)

1. This appeal has been instituted against the Award dated 06.10.1999 for enhancement of compensation awarded in MACT case No.107T of 1999 decided by the MACT, Patiala (**for short “Tribunal”**) in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of Rs.2,35,000/- has been awarded as compensation to the claimants alongwith interest at the rate of 10% per annum from the date of filing of claim petition till realization on account of death of Gurdev Singh in a motor vehicular accident caused due to rash and negligent driving by respondent No.2 while driving the offending vehicle bearing No.PB-11-A-5985 (**for short ‘offending vehicle’**), owned by respondent No.1, which was insured with respondent No.3.

2. Learned counsel for the appellants has filed grounds of appeal during hearing, which is taken on record. The Registry is directed to tag the same at an appropriate place.

3. From the pleadings of parties, following issues were framed by the ld.

MACT:-

**FAO-966-2000 (O&M)**

- 2-

“1. Whether Gurdev Singh son of Sheesha Singh died in a motor vehicular accident at about 12.30 p.m on 30.7.95, on Ujain-Badnagar road, due to rash and negligent driving of truck No.PB-11-A-5985, on the part of Joginder Singh, driver-respondent No.2? OPP.

2. Whether the claimants are entitled to compensation, if so, to what extent and from which of the respondents? OPP.

3. Whether the driver of the truck in question was not having a valid driving licence, at the time of alleged accident? OPR-3.

4. Relief.”

4. Thereafter, the parties led evidence in support of their case.

5. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.2,35,000/- as compensation to the claimants, on account of death of Gurdev Singh along with interest @ 10% per annum from the date of filing of claim petition till realization.

6. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.

7. The only issue required to be determined in the present appeal relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under Issue No.1 that the accident occurred due to the rash and negligent driving on the part of respondent No.2 while driving the offending vehicle, owned by respondent No.1 and insured with respondent No.3 and they have been held liable to pay compensation jointly and severally. No appeal or cross-objections have been filed by respondents, challenging the said finding and

**FAO-966-2000 (O&M)**

- 3-

accordingly finding on issue No.1 is not required to be interfered with.

8. The term 'just compensation' has been elaborated by Hon'ble Supreme Court in **2009(1) RCR (Civil) 867 (SC), Syed Basheer Ahamed and Others Vs. Mohd. Jameel and Another**, and it has been held that while assessing compensation in a motor accident claims case, the Tribunal should award compensation which appears to be just. The expression "which appears to be just" vests a wide discretion in the Tribunal in the matter of determination of compensation. Nevertheless, the wide amplitude of such power does not empower the Tribunal to determine the compensation arbitrarily, or to ignore settled principles relating to determination of compensation. It has been further held that although the Act is a beneficial legislation, it can neither be allowed to be used as a source of profit, nor as a windfall to the persons affected nor should it be punitive to the persons liable to pay compensation and that determination of compensation must be based on certain data establishing reasonable nexus between the loss incurred by the victim or dependents. It has been further held that misplaced sympathy, generosity and benevolence cannot be the guiding factors for determining the compensation. As such, compensation is required to be assessed by taking into consideration above-said parameters.

9. As per version of the claimants, the deceased was working as a cleaner on the ill-fitted truck in which he was traveling along with respondent No.2/driver when the truck turned turtle. As such, it is not in dispute that deceased was employed as a cleaner on a truck. As per version of claimants, deceased was getting a salary of Rs.2,000/- and in addition to this, he used to earn Rs.3,000/- per month by selling milk as he was running a milk dairy. However, no cogent and convincing evidence has been led to establish that deceased was running any milk

**FAO-966-2000 (O&M)**

- 4-

dairy and selling milk. The self-serving statement of the claimant in this regard was thus rightly ignored by the Tribunal. In addition to this, no certificate from owner of the truck was also led in evidence to establish his salary to be Rs.2,000/- per month. However, the Tribunal assessed his monthly income to be Rs.1,800/- per month on the basis of minimum wages. The accident had taken place in the year 1995, and during those days, a cleaner must be earning around Rs.2,000/- as he can be treated as a semi skilled worker. Thus the income of deceased shall be taken as **Rs.2,000/-** per month as against Rs.1,800/- per month assessed by the Tribunal.

10. Deceased was 27 years of age as has also been held by the learned Tribunal and as such, 40% amount has to be added to the monthly income of the deceased towards future prospects in view of law laid down by Hon'ble Supreme Court in 2017 ACJ 2700, '**National Insurance Co. Ltd Vs. Pranay Sethi and Others**', which takes his income to **Rs.2,800/-** per month.

11. The petition in hand has been instituted by wife, minor son, mother and father of the deceased. However, as per law laid down in 2009(6) SCC 121 – **Sarla Verma and others Vs. Delhi Transport Corporation and Another**, father cannot be termed as dependent upon his deceased son and he is not entitled to any compensation except on account of filial consortium. Accordingly, it is held that deceased has left behind 3 dependents and 1/3rd of the income thus has to be deducted towards personal and living expenses. After deducting, a sum of Rs.933/- towards personal expenses, the monthly dependency comes out to Rs.1,867/- (Rs.2,800/- - Rs.933/-) and the annual dependency comes out to **Rs.22,404/-**.

12. As per guidelines laid down in **Sarla Verma's case (supra)**,



FAO-966-2000 (O&M)

- 5-

multiplier of 17 has to be applied as deceased was 27 years of age and after applying the same, the compensation comes to **Rs.3,80,868/- (Rs.22,404 X 17)**.

13. In addition to this, claimant No.1 (wife of the deceased) is held entitled to a sum of **Rs.70,000/-** under conventional heads i.e. **Rs.40,000/-** towards loss of consortium, **Rs.15,000/-** towards loss of estate and **Rs.15,000/-** on account of funeral expenses, as per law laid down in **Pranay Sethi’s case (supra)**. Likewise, remaining claimants No.2 to 4 who are son and parents of deceased are also held entitled to a sum of **Rs.40,000/- each** on account of **loss of consortium**, in view of law laid down in 2018 (4) R.C.R. (Civil) 333, **‘Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others** and (2021) 11 SCC 780, **United India Insurance Co. Ltd. Vs. Satinder Kaur**, which takes the compensation to **Rs.5,70,868/-**.

14. Accordingly, the compensation to be awarded to the appellants/claimants is assessed as under:-

S.No.	Under Head	Compensation awarded by the High Court
1.	Monthly income of deceased	Rs.2,000/- per month
2.	Age of deceased	27 years
3.	Future prospects @ 40%	Rs.800/-
4.	Total income	Rs.2,800/- per month
5.	Number of dependents	3
6.	Deduction towards personal expenses of the deceased	Rs.933/-
7.	Annual loss of dependency	Rs.22,404/- (Rs.1,867/- X 12)
8.	Multiplier	17
9.	Compensation on account of Loss of dependency	Rs.3,80,868/-



FAO-966-2000 (O&M)

- 6-

10.	Compensation under conventional heads	Rs.70,000/-
11.	Consortium to son, mother and father of deceased	Rs.1,20,000/- (Rs.40,000/- each)
12.	Total Compensation	Rs.5,70,868/-
13.	Interest	9%

15. Resultantly, the appeal in hand is partly accepted with costs and appellants/claimants are held entitled to a sum of **Rs.5,70,868/-** as compensation. The enhanced compensation thus comes out to **Rs.3,35,868/-** (**Rs.5,70,868/-** - **Rs.2,35,000/-**) rounded off to **Rs.3,36,000/-** over and above the compensation awarded by the Tribunal alongwith interest at the rate of **9%** per annum from the date of filing of claim petition i.e. 15.12.1995, till realization payable by respondents No.1 to 3, jointly and severally.

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.

09.03.2026
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

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