

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

2026:PHHC:056841



**FAO-2098-2023 (O&M)
Date of Decision: 10.04.2026**

Kavita and others

....Appellants

V/s

Balvinder Kumar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. R.K. Saini, Advocate, for the appellants.

Mr. Gopal Mittal, Advocate
for respondent No. 3- Insurance Co.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the appellants-claimants (widow, daughter, minor sons and mother of the deceased) seeking enhancement of compensation awarded vide Award dated 17.11.2022 passed by the Motor Accident Claims Tribunal, Karnal (for short the 'MACT').

2. The facts, as emanating from the paper book, are that the appellants-claimants instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short the 'MV Act') seeking compensation of Rs.50 lakhs on account of the death of one Suresh Nath, who expired in a motor vehicular accident, which took place on 25.10.2020.

3. It was claimed that on 25.10.2020, the said Suresh Nath, was going to his village Jatpura on his motorcycle bearing Registration No.HR-05-AJ-1028. At about 06:30/07:00 PM, when he reached village Jogi Majra

towards village Kurak side, a tractor-trolley bearing Registration No.HR-05AW-3087 (hereinafter referred to as 'the offending vehicle'), being driven by respondent no. 1(Balvinder Kumar) in a rash and negligent manner came from the side of village Kurak and struck against the motorcycle of the said Suresh Nath. As a result of the same, Suresh Nath fell on the road and received multiple serious and grievous injuries on his person. He was taken to Civil Hospital, Karnal, where he was declared brought dead by the doctor. FIR No.378 dated 26.10.2020 under Section 279 and 304-A of IPC was registered at Police Station Taraori, District Karnal.

It was claimed that at the time of the accident deceased Suresh Nath was working as a Supervisor in Shree Girja Carpet Factory, Barsat, Karnal and was earning Rs.15,000/- per month. It was further claimed that the claimants were entirely dependent upon the deceased. Accordingly, compensation of Rs.50 lakhs was sought.

In the written statement filed by respondents No.1 and 2, the factum of accident was denied and it was asserted that the claim petition had been filed with an ulterior motive to extract compensation from the said respondent.

In a separate written statement filed by respondent No.3- the factum of accident was denied. It was asserted that the accident, if any, had taken place due to the negligence of the deceased himself. It was further averred that respondent No.1 (driver of the offending vehicle), was not holding a valid and effective driving licence at the time of accident and the offending vehicle was driven in violation of the terms and conditions of the insurance policy. Rest of the averments of the claim petition, were denied.

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

- 1. “Whether the accident in question took place on 25.10.2020 in the area of PS Taraori on account of rash and negligent driving of offending vehicle bearing registration no.HR-05AW-3087 by respondent no.1 resulting into death of Suresh Nath?OPP**
- 2. If Issue No.1 is proved whether the claimants are entitled to any compensation, and if so how much and from whom?OPP**
- 3. Whether the respondent no.1 was not holding a valid and effective driving licence and vehicle was being plied in contravention of the terms and conditions of the insurance policy?OPR3**
- 4. Relief.”**

8. Parties led their respective evidence.

9. On issue No.1, it was held by the MACT that the accident had been caused on account of the rash and negligent driving of the offending vehicle by respondent No.1.

10. On issue No.2, i.e. quantum of compensation, the MACT awarded the following compensation:-

Sr. No.	Heads	Amount in Rupees
1.	Gross Monthly Salary	Rs.9,458 /-
2.	Gross annual income	Rs.1,13,496/- (9458X12)
3.	Future prospects	25% = Rs.1,41,870/- (1,13,496/- + 28,374)
4.	Deduction	1/4 = Rs.1,06,402/- (1,41,870/- – 35,468/-)
5.	Multiplier	14 = Rs.14,89,628/- (1,06,402 X 14)

6.	Loss of consortium	Rs. 2,00,000/- (40,000 X5)
7.	Loss of estate	Rs. 15,000/-
8.	Funeral expenses	Rs. 15,000/-
	Total	Rs.17,19,628/-

11. Seeking enhancement in the said compensation, the present appeal has been preferred.
12. I have heard learned counsel for the parties.
13. During the course of arguments, learned counsel for the parties have arrived at a mutual settlement, whereby it has been agreed that the appellant shall be entitled to a further consolidated amount of Rs.50,000/- over and above the amount already awarded by the MACT.
14. In view of the aforesaid settlement, the present appeal is disposed of with a direction that the respondents shall pay an additional amount of Rs.50,000/- to the appellant within a period of 45 days from today.

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

(VIKRAM AGGARWAL)
JUDGE

April 10, 2026
ds

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