



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

FAO-818-1999

Date of decision: 29.01.2026

MEENA DEVI AND OTHERS

...Appellants

VERSUS

SATVIR SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Rakesh Dhiman, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate (through V.C.) and
Ms. Manvi Verma, Advocate for
respondent No.3-National Insurance Company.

YASHVIR SINGH RATHOR, J. (Oral)

1. This appeal is directed against the Award dated 10.12.1998 passed in MACT Case No.50 of 1996 by Motor Accident Claims Tribunal, Jhajjar in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of ₹3,84,000/- was awarded as compensation to the claimants on account of death of Daljit Singh, who was husband of claimant No.1 Meena Devi, father of claimant No.2 Gurdev and son of claimant No.3 Rajo Devi and respondents were held liable to pay the amount of compensation jointly and severally.

2. The only issue required to be determined in the present appeal relates to assessment of compensation on account of death of Daljit Singh and, therefore, the entire facts of the case with regard to the manner of accident are not required to be reproduced here for the sake of



brevity as Tribunal has come to the conclusion under issue No.1 that accident in question had taken place on account of rash and negligent driving on the part of respondent No.1 while driving the offending truck bearing No.HR-13-2344 resulting in death of Daljit Singh, which was owned by respondent No.2 and insured with respondent No.3 and the said finding has not been assailed by respondent.

3. I have heard learned counsel for the parties and have perused the material placed on record. It is pertinent to mention that the record of the appeal as well as the Tribunal has got burnt in a fire incident in the branch and the appeal in hand shall be decided as per findings arrived at by the Tribunal.

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

“1. Whether the accident took place because of the rash and negligent driving of truck No.HR-13-2344 being driven by its driver respondent No.1-Satbir Singh on 17.02.1996 at 8.30 A.M. in the area of village Chawra Delhi opposite Loha factory in which Daljit Singh was killed and Meena petitioner suffered injuries?OPP.

2. Whether respondent No.1 was holding valid driving licence at the time of accident, if sp tp wjat effect?OPP.

3. To what amount of compensation, petitioners are entitled to and from whom?OPP

4. Relief”

5. To prove their case, the claimants have examined Meena Devi as PW1 and thereafter, claimants closed evidence while relying



upon the copy of FIR Ex.PA, post mortem report Ex.PB, copy of matriculation certificate of Daljit Singh Ex.PC, pay slip Ex.PD, rough site plan in respect of the place of incident Ex.PE, revised pay scale Ex.PH and also the photographs Ex.P1 to Ex.P3.

6. On the other hand, the respondents examined PW-1 J.C. Chugh, an officer of the Insurance Company and PW-2 Ram Kishore, the insurer/agent and thereafter the respondents closed their evidence while relying upon the copy of the driving licence of Satbir Ex.R1, copy of registration certificate Ex.R2, Insurance cover note Ex.R3, other cover notes of insurance Ex.R3/1 to Ex. R3/9 and Ex.R4 and also the policy Ex.R5.

7. As per version of claimants, deceased Daljit Singh was working with Delhi Police as Constable and was getting Rs.3,000/- per month as salary. To prove this fact, claimant Meena Devi appeared as PW1 and deposed that she is the wife of said deceased Daljit Singh, claimant No.2 is her son while claimant No.3 is the mother of the deceased and they all were dependent upon him. The salary slip of deceased was led in evidence as Ex.PD, according to which he was getting a sum of Rs.3,000/- per month as salary. Learned Tribunal took his monthly income to be Rs.3,000/- per month. 1/3rd of the income was deducted towards his personal and living expenses and monthly dependency was taken as ₹2000/- per month. Since, deceased was 27 years of age as per matriculation certificate Ex.PC and post-mortem report Ex.PB., multiplier of 16 was applied and a sum of ₹3,84,000/- was awarded as compensation.



8. However, deceased was 27 years of age and was in permanent employment as a Constable with Delhi Police. Accordingly, as per guidelines laid down in 2017 ACJ 2700, '**National Insurance Co. Ltd Vs. Pranay Sethi and Others**', as well as 2009(6) SCC 121 "**Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another**", 50% of the amount has to be added to his monthly income towards future prospects. After adding the same, the monthly income comes to ₹4500/- (₹3000/- + ₹1500/-).

9. Deceased has left behind three dependents and as such, 1/3rd of the amount has to be deducted towards personal and living expenses in view of law laid down in **Sarla Verma's case (supra)** and after deducting the same, the dependency comes out to Rs.3000/- per month and the annual dependency comes out to Rs.36,000/- (₹3000/- x 12). Deceased was 27 years of age and as per guidelines laid down in **Sarla Verma's case (supra)**, multiplier of 17 has to be applied and after applying the same, the compensation payable comes to ₹6,12,000/- (₹36000/- x 17).

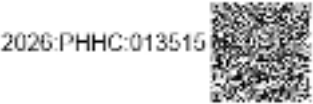
10. In addition to this, as per guidelines laid down in **Pranay Sethi's case (supra)**, appellant No.1 Meena Devi is held entitled to a sum of ₹40,000/- towards loss of consortium, ₹15,000/- towards loss of estate and ₹15,000/- towards funeral expenses. As per law laid down in 2018 (4) R.C.R. (Civil) 333, '**Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others**', the son and the mother of the deceased are also held entitled to a sum of ₹40,000/- each towards filial and parental consortium. The total compensation payable thus comes out to be ₹7,62,000/- and the total compensation payable to the appellants is

accordingly assessed as under:-

S. No.	Under Head	Compensation awarded by the Tribunal	Compensation awarded by High Court
1	Monthly income	₹3,000/-	₹3,000/-
2.	Future prospectus	Nil	50%(₹3000/- + ₹1500/- = ₹4500/-)
3.	Deduction towards personal expenses	1/3rd (₹1,000/-)	1/3rd (₹1500/-)
4.	Annual dependency	₹24,000/-	₹36,000/-
5.	Multiplier	16	17
6.	Loss of dependency	₹3,84,000/-	₹6,12,000/-
7.	Spousal consortium, Loss of estate, Funeral expenses	Nil	₹70,000/-
8.	Consortium to son	Nil	₹40,000/-
9.	Consortium to mother	Nil	₹40,000/-
Total compensation		₹3,84,000/-	₹7,62,000/-

11. Resultantly, the appeal in hand is accepted with costs and appellants are held entitled to a sum of **₹3,78,000/- (₹7,62,000 – ₹3,84,000)** 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. 02.05.1996 till realization payable by respondents No.1 to 3 jointly and severally. Out of the aforesaid amount, a sum of Rs.75,000/- each be paid along with proportionate interest to the appellants No.2 and 3 and balance amount along with proportionate interest be paid to appellant No.1. The entire amount be paid to the appellants in cash and be deposited in their bank accounts.

12. 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.

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

29.01.2026
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No