

2026:PHHC:022481



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

FAO-3371-2019 (O&M)
Date of Decision: 10.02.2026

Babli and others

.....Appellants

Versus

Mustaqueem Ansari and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Praveen Kumar, Advocate, for
Mr. P.R. Yadav, Advocate, for the appellants.

Ms. Geetika Rani, Advocate, for
Mr. Lalit Garg, Advocate,
for respondent No.3-Insurance Company.

VIKRAM AGGARWAL, J.

CM-11707-CII-2019

For the reasons given in the application, the same is allowed and the delay of 258 days in re-filing the appeal is condoned.

FAO-3371-2019

The instant appeal has been instituted by the appellant-claimants seeking enhancement in compensation awarded by the Motor Accident Claims Tribunal, Gurugram (for short 'the MACT'), on account of the death of one Satbir, who expired in a motor vehicular accident, which took place on 18.09.2016.

2. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act') was instituted by the widow; four minor children and mother of one Satbir. It was averred that on 18.09.2016, Satbir along with his nephew Anil had come to Sector-10A, Gurugam on an LML Scooter. At about 11.30 A.M., when Anil, after having parked the said scooter and leaving behind said Satbir, proceeded towards the market, a truck bearing registration No. HR-55E-4519 (for short referred to as 'the offending vehicle'), which was being driven by respondent No.1 in a rash and negligent manner and at a very high speed, hit Satbir, due to which, he had suffered serious injuries on his person. He was rushed to Sunrise Hospital and after providing him first aid, he was referred to Medicity Hospital, but he succumbed to his injuries. FIR No. 608 dated 18.09.2016 under Sections 279, 337 and 338 IPC was registered and Section 304-A IPC was added later on.

It was claimed that at the time of the accident, deceased-Satbir was aged 42 years and was an agriculturist and was also working as a milk vendor, earning Rs.25,000/- per month. It was further claimed that the claimants were fully dependent upon deceased-Satbir. Accordingly, compensation of Rs.50 lakhs was claimed.

3. Respondent Nos. 1 and 2 filed their joint written statement denying the averments made in the claim petition.

Respondent No.3-Insurance Company filed its separate written statement averring therein that the driver of the offending vehicle was not holding a valid driving licence and that

respondent Nos. 1 and 2 had contravened the terms and conditions of the insurance policy. It was further asserted that respondent Nos. 1 and 2 did not inform the Insurance Company about the factum of accident.

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

1. Whether the accident dated 18.09.2016 resulting into death of Satbir had occurred due to rash and negligent driving of truck bearing No. HR-55E-4519 by respondent No.1? OPP

2. If issue No.1 is proved in affirmative, what amount of compensation and from whom, the petitioners are entitled to? OPP

3. Whether the truck bearing No. HR-55E-4519 was being driven in contravention of provisions of the insurance policy, if so its effect? OPR-3.

4. Relief.

5. Parties led their respective evidence.

6. Vide award dated 09.01.2018, the MACT allowed the petition filed by the claimants, awarding the following compensation:-

Sr. No.	Heads	Calculation (in Rs.)
i)	Age	42 years
ii)	Income	Rs.10,400/- p.m. (including future prospects @ 30 %) (Rs.8,000+2,400/-)
iii)	1/4 of the (i) deducted as personal expenses per month of the deceased	Rs.10400-Rs.2600/- =7800/-
iv)	Compensation after multiplier of 14 is applied	(Rs.7,800x12x14) = Rs.13,10,400/-

v)	Loss of estate	Rs.15,000/-
vi)	Loss of consortium	Rs.40,000/-
vii)	Funeral expenses	Rs.15,000/-
viii)	Medical expenses	1,07,000/-
	Total compensation awarded	Rs.14,87,400/-

7. Seeking enhancement in the said compensation, the appellant-claimants have filed the instant appeal.

8. I have heard learned counsel for the parties.

9. Learned counsel for the appellants submits that inadequate compensation has been awarded by the MACT. He submits that the MACT erroneously assessed the income of the deceased as Rs.8,000/- per month by treating him to be an unskilled labourer. Learned counsel further submits that the deceased was an agriculturist and was also running a milk dairy apart from being a milk vendor. Learned counsel submits that the deceased was earning Rs.25,000/- per month at the time of his death. He further submits that since the claimants were six in number, the deduction on account of personal expenses, should have been more than 1/4th.

It is also argued that consortium was only awarded to the widow of the deceased and was not awarded to the other claimants. He 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., 2017(16) SCC 680** 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 Insurance Company, submits that the deduction would be 1/4th in terms of the law laid down in **Sarla Verma and others Vs.**

Delhi Transport Corporation & Another, (2009) 6 SCC 121.

However, he could not controvert 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 considered the submissions made by learned counsel for the parties.

12. Coming firstly to the income of deceased Satbir, though PW4-Babli (widow of the deceased) reiterated in her testimony the version contained in the claim petition, no documentary evidence was led by the claimants in support of the income of the deceased. Under the circumstances, the MACT rightly assessed the income of the deceased as Rs.8,000/- per month, taking minimum wages of an unskilled labourer in the State of Haryana, at the time of accident.

13. However, in terms of the ratio laid down by the Supreme Court of India in the cases of **Pranay Sethi** (supra) and **Magma General Insurance Company Ltd.'s** (supra) filial consortium, @ Rs.48,400/-, was required to be granted to each of the claimants and for funeral expenses and loss of estate, Rs.18,150/- under each head, was also required to be awarded.

14. Having considered the submissions made by learned counsel for the parties, the compensation awarded by the MACT is enhanced as under:-

Sr. No.	Heads	Awarded by MACT	Enhanced by this Court
i)	Age	42 years	No change
ii)	Income	Rs.10,400/- p.m. (including future prospects @ 30 %) (Rs.8,000+2,400/-)	No change
iii)	1/4 of the (i) deducted as personal expenses per month of the deceased	Rs.10400- Rs.2600/- =7800/-	No change
iv)	Compensation after multiplier of 14 is applied	(Rs.7,800x12x14) = Rs.13,10,400/-	No change
v)	Loss of estate	Rs.15,000/-	Rs.18,150/-
vi)	Loss of consortium	Rs.40,000/-	Rs.2,42,000/- (Rs.48,400 x 5)
vii)	Funeral expenses	Rs.15,000/-	Rs.18,150/-
viii)	Medical expenses	1,07,000/-	No Change
	Total compensation awarded	Rs.14,87,400/-	Rs.16,95,700/-

15. The total compensation, therefore, comes to Rs. Rs.16,95,700/-. After deducting a sum of Rs.14,87,400/- as assessed by the MACT, the balance compensation comes to Rs.2,08,300/-. 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

10.02.2026
ds

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