IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1631-2021 (O&M)
Date of Decision: 25.02.2026

Sansar Singh and another ....Appellants

V/s

Karanpreet Singh and others ....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rahul Vijay Singh, Advocate, for the appellants.

Mr. Ishan Thakur, Advocate for
Mr. L.S. Sidhu, Advocate, for respondents No.1 and 2.

Mr. Abhimanyu Kalsy, Advocate,
for respondent No.3-insurance company.

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VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants, who are the parents of Jagsir Singh (since deceased), seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Mansa (for short "the MACT") vide award dated 05.02.2021 passed in a claim petition instituted under Section 166 of the Motor Vehicles Act, 1988 (for short "the MV Act") on account of death of Sahib Singh, who expired in a motor vehicular accident which took place on 21.10.2017.

2. The case of the claimants was that on 21.10.2017, Sahib Singh was coming from Village Akkanwali to Mansa on their Platina motorcycle, bearing registration No.PB-03X-4190, for some personal work. Sahib Singh, was the pillion rider, whereas it was being driven by Jagsir Singh. Balvir Singh, maternal uncle of Jagsir Singh, was also travelling along the same route on a separate motorcycle and was following them. At about 10:15 A.M., when they had reached nearly half a kilometre ahead of Village Deluana towards Village Nangal Kalan, a white Swift car bearing

registration No.PB-31-R-9200 (hereinafter referred to as “the offending vehicle”) came from the opposite direction. The offending vehicle was being driven by respondent No.1 (Karanpreet Singh alias Karanpreet Singh) at a very high speed and in a rash and negligent manner who drove the car into their motorcycle, resulting in a frontal collision. Due to the impact, both Sahib Singh and Jagsir Singh sustained grievous injuries. Local residents gathered at the scene, and the injured were immediately shifted to Civil Hospital, Mansa and were referred to Bathinda for further treatment. Sahib Singh was taken to Global Hospital, Bathinda, where he remained admitted and succumbed to the injuries caused in the accident which took place on 21.10.2017.

3. FIR No. 133 dated 21.10.2017 under Sections 279, 337, 338, 427 and 304-A IPC was registered against respondent No. 1 at Police Station Sadar Mansa.

4. It was averred that Sahib Singh was a hale and hearty person and was well educated. It was averred that he used to give tuition to students of up to 8th Standard. It was averred that he was having 3-4 buffaloes and used to sell milk. He was also stated to be doing agriculture work. He was stated to be earning Rs.1 lakh per month. It was pleaded that, in the normal course of events, his income would have increased in future. However, due to his untimely death caused by the accident, the claimants had suffered irreparable loss of financial support, love, and affection. Accordingly, adequate compensation along with interest from the date of accident till its realization was claimed.

5. The driver and owner of the offending vehicle filed their joint written statement and denied the factum of the accident.

6. The insurance company raised its usual defences in the written

statement and denied the factum of the accident.

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

"1. Whether Sahib Singh so of claimants had died in accident in question, caused by respondent No.1 Karanpreet Singh while driving Swift Car No.PB-13-R-9200 in rash and negligent manner?OPP

2. Whether claimants, being legal heirs of deceased Sahib Singh are entitled to compensation as prayed for?OPP

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

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

5. Whether the claim petition is bad for non-joinder of necessary parties?OPR

6. Whether respondent No.1 was not holding valid and effective driving licence at the time of accident in question?OPR

7. Whether the offending Swift Car bearing Registration No.PB-31-R-9200 was not having valid and effective insurance at the time of accident in question?OPR

8. Relief."

8. Parties led their respective evidence.

9. After considering the evidence led on the record of the case, a finding was recorded by the MACT that the accident as a result of which Sahib Singh had expired had taken place on account of the rash and negligent driving of the driver of the offending vehicle. The age of Sahib Singh was assessed as 17 years. His income was assessed as Rs.8,000/- per month and the following compensation was awarded:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	17 years
2.	Income of the deceased	Rs.8,000/- per month
3.	Future Prospects @ 40%	Rs.3200/-
4.	Total income	Rs.11,200/-
5.	½ deduction towards personal expenses	Rs.5,600/- per month
6.	Loss of income	Rs.5600/- x 12 =Rs.67,200/- per annum
7.	Multiplier of '18'	Rs.67200 x 18 =Rs.12,09,600/-
8.	Funeral expenses	Rs.15,000/-
9.	Loss of Estate	Rs.15,000/-

10.	Filial Consortium	Rs.40,000/-
11.	10% increase on conventional heads	Rs.7000/-
Total Compensation		**Rs.12,86,600/-**

10. I have heard learned counsel for the parties.

11. Learned counsel for the appellants has submitted that the MACT did not consider the matter from the correct perspective. It has been submitted that the deceased Sahib Singh was about 18 years old and was well educated. His detailed mark sheets of B.A (Semester I to IV) along with copies of 12th Class and Matriculation Certificates and other certificates indicating his excellence in sports were produced as Exs.C3, C-5, C-6 to C-9, C-11 and C-12. Learned counsel has submitted that apart from this, it had also been proved by CW-3 (Bikkar Singh), who was the Secretary of Akkanwali Milk Producer's Cooperative Society that Sahib Singh used to sell milk to the society. Learned counsel has submitted that the MACT rejected this evidence also on technical grounds forgetting that strict rules of evidence are not applicable to proceedings before the MACT. Learned counsel has contended that under the circumstances, the income of the deceased (Sahib Singh) was required to be assessed as Rs.15,000/- per month. He was a promising young man. It has further been submitted that the amount of compensation awarded towards filial consortium is also inadequate since only Rs.40,000/- was awarded to one appellant only. It has been submitted that the same also deserves to be enhanced in terms of the decision of the Hon'ble Apex Court in ***National Insurance Company Limited vs. Pranay Sethi and others*, (2017)16 SCC 680.** As regards the compensation on account of loss of estate and funeral expenses, it has been submitted that the same also deserves to be enhanced in terms of the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (supra) and ***Smt.***

***Sarla Verma and others vs. Delhi Transport Corporation and another*, (2009) 6 SCC 121**.

12. *Per contra*, learned counsel for respondent No.3-insurance company has opposed the submissions made by learned counsel for the appellants stating that the MACT has rightly assessed the compensation.

13. I have considered the submissions made by learned counsel for the parties.

14. In so far as the age of the deceased is concerned, the same was assessed as 17 years. The claimants are his parents, the deceased being unmarried. In so far as the notional income of the deceased is concerned, it duly came on record that the deceased was an educated person and was also excelling in sports. Certain certificates as regards his educational qualifications were produced on record as Exs.C3, C-5, C-6 to C-9. Statements of witnesses like Bikkar Singh (CW-3) should normally not be discarded. In any case, Sahib Singh was a young man, aged 17 years and, therefore, his notional income should have been assessed in terms of his educational qualifications and keeping in view the fact that he was also doing the work of milk selling. It has to be borne in mind that selling of milk etc. does not have much proof and once a witness had appeared in the witness box and had given a statement that the deceased was selling milk to the society and apart from that other educational certificates as regards the education of the deceased were also produced, notional income should have accordingly been assessed. It has to be borne in mind that strict rules of evidence are not applicable to proceedings before the MACT. Under the circumstances, this Court deems it appropriate to assess the notional income of the deceased as Rs.15,000/- per month.

15. Accordingly, the compensation assessed by this Court is as

under:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	17 years	17 years (no change)
2.	Income of the deceased	Rs.8,000/- per month	Rs.15,000/- per month
3.	Future Prospects @ 40%	Rs.3200/-	Rs.6,000/- per month
4.	Total income	Rs.11,200/-	Rs.21,000/- per month
5.	½ deduction towards personal expenses	Rs.5,600/- per month	Rs.10,500/-
6.	Loss of income	Rs.5600/- x 12 =Rs.67,200/- per annum	Rs.10,500 x 12 =Rs.1,26,000/- per annum
7.	Multiplier of '18'	Rs.67200 x 18 =Rs.12,09,600/-	Rs.1,26,000 x 18 =Rs.22,68,000/-
8.	Funeral expenses	Rs.15,000/-	Rs.18,150/-
9.	Loss of Estate	Rs.15,000/-	Rs.18,150/-
10.	Filial Consortium	Rs.40,000/-	Rs.96800/- (Rs.48400/- each to the parents)
11.	10% increase on conventional heads	Rs.7000/-	Nil
Total Compensation		**Rs.12,86,600/-**	**Rs.24,01,100/-**

16. The total compensation, therefore, comes to Rs.24,01,100/-. After deducting a sum of Rs.12,86,600/- as assessed by the MACT, the balance compensation comes to **Rs.11,14,500/-**. 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.

17. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

February 25, 2026
vcgarg Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No