



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

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FAO-1864-2025 (O&M)
Date of Decision: 18.03.2026

Smt. Ram Ratti and another

....Appellants

V/s

Satbir Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Hardeep Singh Poonia, Advocate, for the appellants.
Mr. Abhimanyu Batra, Advocate,
for respondent No.2-insurance co.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants, who are the parents of one Sandeep Kumar (since deceased), seeking enhancement in compensation awarded by the Motor Accident Claims Tribunal, Bhiwani (for short “the MACT”) vide award dated 20.01.2025 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 Sandeep Kumar, who expired in a motor vehicular accident which took place on 25.06.2020.

2. The facts, as emanating from the paper book, are that on 25.06.2020, at about 8:00 PM, after attending a marriage in village Sagwan, Sandeep Kumar (since deceased) was returning to his home on his motorcycle bearing registration No. HR-48-C-6527. When he crossed Village Hetampura, a car bearing registration No. HR-19-M-0320 (hereinafter referred to as “the offending vehicle”, being driven by respondent No.1 (Satbir Singh) in a rash and negligent manner and at a very high speed, came from behind and struck against his motorcycle. Due to the forceful impact, Sandeep Kumar sustained multiple injuries. Immediately after the accident, he was shifted to Kaddam Hospital, Bhiwani, where,

during the course of treatment, he succumbed to his injuries. On the

following day, post-mortem examination was conducted on his dead body at General Hospital, Bhiwani, vide PMR No. VPS/59/2020 dated 26.06.2020.

3. FIR No.153 dated 26.06.2020, under Sections 279 and 304-A IPC, was registered at Police Station Jui Kalan, against the driver of the aforesaid car on the statement of one Satish.

4. It was averred that, at the time of the accident, the deceased Sandeep Kumar was 26 years of age and was working as a tractor driver, besides being engaged in agricultural work, and was earning approximately Rs.50,000/- per month. It was also averred that a sum of Rs.5,00,000/- was incurred on his treatment and last rites. Accordingly, compensation of Rs.1,50,00,000/- along with interest at the rate of 18% per annum from the date of filing of the petition till its realization, on account of the untimely death of Sandeep Kumar was claimed.

5. On notice, respondent No.1 (driver-cum-owner of the offending vehicle) appeared and filed his written statement. He denied all the averments made in the petition including the factum of the accident.

6. The claim petition was opposed by respondent No.2-insurance company. In the written statement, it took its usual defences and denied the factum of the accident.

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

“1. Whether Sandeep Kumar died in an accident due to rash and negligent driving of car bearing Regn. No.HR-19-M-03020 by respondent No.1, as alleged?OPP

2. Whether the petitioners are entitled to compensation. If so, to what extent and from whom?OPP

3. Whether the insured has violated the terms and conditions of the insurance policy as alleged. If so, its effect ?OPR2

4. Relief.”

8. Parties led their respective evidence.

9. The MACT held that the accident had taken place on account of

the rash and negligent driving of the offending vehicle by respondent No.1.

As regards the quantum of compensation, the age of the deceased was assessed as 26 years and his monthly income was assessed as Rs.9319/- per month treating him to be an unskilled labourer. All claimants were held to be dependent on the income of the deceased. In terms of the law laid down in the case of *National Insurance Company vs. Pranay Sethi and others, 2017 (4) RCR (Civil)* and *Sarla Verma vs. DTC, 2009 (6) SCC 121*, the MACT assessed and granted the following compensation:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	26 years
2.	Income of the deceased	Rs.9319/-
3.	Future prospects @ 40%	Rs.9319+Rs.3727/- = Rs.13046/- per month Annual income Rs.1,56,552/-
4.	Deduction of 1/2 of the income as personal expenses of the deceased	Rs.78276/-
5.	Loss of income	Rs.78276/-
6.	After applying Multiplier of '17'	Rs.78276/- x 17 =Rs.13,30,692/-
7.	Funeral expenses	Rs.15,000/-
8.	Loss of Estate	Rs.15,000/-
9.	Consortium	Rs.40,000/-
10.	10% increase on the amount under conventional heads	Rs.7,000/-
11.	Medical bills	Rs.34916/-
	Total Compensation	Rs.14,42,608/-

As such, compensation of Rs.14,42,608/- was granted along with interest @ 9% per annum from the date of filing of the claim petition till its actual realization. As it was not proved by the respondent-Insurance company that respondent No.1 was not holding a valid driving licence, the liability to pay the compensation was fastened upon all the respondents jointly and severally.

10. I have heard learned counsel for the parties.

11. Learned counsel for the appellants has submitted that the MACT erred in assessing the income of the deceased (Sandeep Kumar) as Rs.9,319/- per month, whereas, it had been claimed that he was earning Rs.50,000/- per month. It has further been submitted that the amount of compensation awarded towards filial consortium is also inadequate since Rs.40,000/- was awarded and the same should have been awarded to all the claimants. Under the heads of loss of estate and funeral expenses, it has been submitted that the same should have been awarded 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.2-insurance company has submitted that there is no illegality in the findings recorded by the MACT. Once there was no proof as regards the work being done by the deceased, the monthly income was rightly assessed as Rs.9,319/- per month. However, as regards the compensation awarded on account of filial consortium, learned counsel has not been able to deny that the same deserves to be enhanced.

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

14. In so far as the income of the deceased is concerned, there was absolutely no evidence to prove that the deceased (Sandeep Kumar) was earning Rs.50,000/- per month. In the considered opinion of this Court, the MACT rightly assessed the notional income of the deceased. The MACT has awarded a total sum of Rs.40,000/- towards consortium qua one claimant only. However, in terms of the ratio laid down by the Supreme Court of

for each of the claimants, is required to be granted. (The accident had taken place on 25.06.2020 as a result of which, no increase shall be there).

15. Accordingly, the compensation assessed by this Court is as under, keeping in view the principles enunciated by the Hon’ble Supreme Court of India:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	26 years	No change
2.	Income of the deceased	Rs.9319/-	No change
3.	Future prospects @ 40%	Rs.9319+Rs.3727/- = Rs.13046/- per month Annual income Rs.1,56,552/-	No change
4.	Deduction of 1/2 of the income as personal expenses of the deceased	Rs.78276/-	No change
5.	Loss of income	Rs.78276/-	Rs.78276/- (no change)
6.	After applying Multiplier of ‘17’	Rs.78276/- x 17 =Rs.13,30,692/-	(no change) Rs.13,30,692/-
7.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
8.	Loss of Estate	Rs.15,000/-	Rs.15,000/-
9.	Consortium	Rs.40,000/-	Rs.1,20,000/- (Rs.40,000/- x 3)
10.	10% increase on the amount under conventional heads	Rs.7,000/-	-
11.	Medical bills	Rs.34916/-	Rs.34916/- (no change)
Total Compensation		Rs.14,42,608/-	Rs.15,15,608/-

The total compensation, therefore, comes to Rs.15,15,608/-. After deducting a sum of Rs.14,42,608/- as assessed by the MACT, the balance compensation comes to Rs.73000/-. 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.

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

(VIKRAM AGGARWAL)
JUDGE

March 18, 2026
vcgarg

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