

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

FAO-2276-2004**CHANDLI DEVI AND OTHERS**

. . . . Appellant

Vs.**SATPAL AND OTHERS**

. . . . Respondents

Reserved on: 21.04.2026**Pronounced on: 22.04.2026****Pronounced Fully/Operative Part: Fully**

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Sandeep Verma, Advocate, for the appellants.

Mr. Nikunj Dhawan, Advocate,
for respondent No.3-Insurance Company.

DEEPAK GUPTA, J.

The present appeal has been filed by the claimants seeking modification of the award dated 23.12.2003 passed by the learned Motor Accident Claims Tribunal, Rewari, whereby a sum of ₹1,00,000/- was awarded as compensation on account of injuries sustained by Narender Kumar Yadav.

2. The facts, in brief, are that on 14.07.2001, Narender Kumar Yadav, along with his family members, was travelling in Jeep No. HR-47-6055 from Narnaul to his village Anandpur. The vehicle was being driven by respondent No.1 in a rash and negligent manner. Due to a sudden jerk, the said Narender Kumar Yadav fell from the jeep and sustained multiple grievous injuries, particularly affecting his spine, resulting in paraplegia. He was immediately taken to Safdarjung Hospital, Delhi, for treatment, and an FIR was registered at the instance of his brother, who was also travelling with him.

3. The injured initially filed a claim petition under Section 166 of the Motor Vehicles Act seeking compensation. However, during the pendency of

the proceedings, he succumbed on 01.01.2003, and his legal representatives, namely his mother, widow, brother, and sister, were brought on record.

4. The record reveals that the driver and the insurer did not contest the proceedings and were proceeded against ex parte. The owner alone filed a written statement, primarily asserting that the vehicle was duly insured.

5. Upon appreciation of evidence, the learned Tribunal held that the accident had occurred due to rash and negligent driving of respondent No.1. However, the Tribunal declined to accept the plea that the death of Narender Kumar Yadav had occurred as a consequence of the injuries sustained in the accident and, therefore, treated the claim as one pertaining only to injuries. Consequently, a lump sum amount of ₹1,00,000/- was awarded.

6. Assailing the said award, learned counsel for the appellants has contended that the Tribunal committed a grave error in discarding the unrebutted testimony of the widow and brother of the deceased regarding the cause of death. It is argued that the deceased had suffered 100% permanent disability in the form of paraplegia and remained in such condition for about one and a half years, which itself probabilises that he must have developed multiple complications ultimately leading to his death. It is further contended that the absence of a post-mortem report cannot be treated as conclusive to deny the causal link between the injuries and the death, particularly when no evidence to the contrary was led by the respondents.

7. *Per contra*, learned counsel for the insurance company has argued that there is no direct medical evidence establishing nexus between the injuries and the death, though it is fairly conceded that no rebuttal evidence was adduced on behalf of the respondents.

8. Having heard learned counsel for the parties and perused the record, this Court finds merit in the submissions advanced on behalf of the appellants.

9. The approach adopted by the Tribunal in rejecting the claim as a death case merely on account of absence of a post-mortem report cannot be sustained. It is well settled that proceedings under the Motor Vehicles Act are

summary in nature and strict rules of evidence are not required to be applied. The claimants are only required to establish their case on the touchstone of preponderance of probabilities.

10. In the present case, it stands established on record that the deceased had suffered 100% permanent disability and had become paraplegic. A person in such a condition is rendered bedridden and is susceptible to various complications, including infections and systemic deterioration. The deceased survived for about one and a half years after the accident, which further supports the inference that he continued to suffer from the effects of the injuries. The testimony of the widow to the effect that death occurred due to such injuries remained unrebutted and unchallenged. In the absence of any evidence to the contrary, there was no justification for the Tribunal to discard such testimony.

11. Thus, on a holistic appreciation of the evidence, this Court is of the considered view that the death of Narender Kumar Yadav was a direct consequence of the injuries sustained in the accident. The claim, therefore, deserves to be treated as a death claim.

12. Coming to the quantum of compensation, it is not in dispute that the deceased was about 20 years of age at the time of the accident and was engaged in agriculture. In the absence of any documentary evidence regarding income, the notional income based on minimum wages prevailing at the relevant time, i.e., ₹2,000/- per month, is taken, which comes to ₹24,000/- per annum. In view of the law laid down by the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi and others, 2017 AIR SC 5157***, an addition of 40% towards future prospects is warranted, thereby taking the annual income to ₹33,600/-.

13. Out of the said income, 1/3rd is liable to be deducted towards personal expenses, as only the widow and mother can be considered dependent upon the deceased. After such deduction, the annual loss of dependency comes to ₹22,400/-. Applying the multiplier of 18, appropriate to

the age of the deceased, the total loss of dependency is assessed at ₹4,03,200/-.

14. In addition thereto, an amount of ₹20,000/- each is awarded to the claimants under the head of consortium, totaling ₹80,000/-, and a further sum of ₹20,000/- is awarded towards funeral expenses and loss of estate. Thus, the total compensation on account of death comes to ₹5,03,200/-.

15. The amount of ₹1,00,000/- already awarded by the Tribunal towards injuries is maintained, as the deceased had remained under treatment for a considerable period and must have incurred expenses towards medical treatment, attendant charges, transportation, and special diet.

16. Accordingly, the total compensation payable to the claimants is determined at ₹6,03,200/-. Since a sum of ₹1,00,000/- has already been awarded by the Tribunal, the enhanced compensation payable works out to ₹5,03,200/-.

17. Resultantly, the appeal is partly allowed. The claimants are held entitled to an enhanced compensation of ₹5,03,200/-, which shall be payable jointly and severally by the respondents along with interest @ 7.5% per annum from the date of filing of the claim petition till realization.

18. Out of the enhanced compensation, ₹20,000/- each shall be payable to the brother and sister of the deceased along with proportionate interest. Out of the remaining amount, 75% shall be payable to the widow and the remaining 25% to the mother of the deceased, along with proportionate interest.

The appeal stands disposed of in the above terms.

(DEEPAK GUPTA)
JUDGE

22.04.2026
Vivek

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>

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