140 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1810-2026 (O&M)
Date of Decision: 06.04.2026

BAJAJ ALLIANZ GENERAL INSURANCE CO LTD ....Appellant

Versus

PUSHPA DEVI AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Sachin Ohri, Advocate
for the appellant.

Mr. Naveen Batra, Advocate
for the respondents.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by appellant/insurance company being aggrieved by impugned order dated 19.01.2026, passed by learned Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'Tribunal') whereby an amount of Rs.45,80,071/- was awarded as compensation to the respondents/claimants.

2. Learned Tribunal awarded the following compensation to the respondents/claimants :-

	Heads of Claim	**Amount**
1.	Annual Income	Rs.6,68,158/- per annum
2.	Deduction on account of personal expenses is 1/4th	Rs.6,68,158/- divided by 4 = Rs.1,67,039/- (6,68,158 – 1,67,039 = 5,01,119/-)
3.	Total dependency after applying of multiplier of 9. The date of birth of deceased was 20.06.1958 i.e. 59 years 09 months and 17 days at the time of accident/death	Rs.5,01,119/- x 9 = 45,10,071/-
4.	Loss of consortium	Rs.40,000/-
5.	Loss of estate	Rs.15,000/-
6.	Funeral expenses	Rs.15,000/-
	Total	Rs.45,80,071/-

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3. Appellant/insurance company is primarily aggrieved by finding of learned Tribunal on issue No.1 regarding rash and negligent driving on the part of respondent No.1 while driving vehicle bearing registration No.HP-72A-4175 (hereinafter referred to as 'offending vehicle') and also of limited issue of deduction made by learned Tribunal to the extent of 1/4th towards personal expenses. Learned counsel for appellant has argued that learned Tribunal has erred in recording finding on issue No.1 in favour of respondents/claimants especially when the author of FIR Rajiv Kumar, the eye witness who had appeared as PW2 had clearly stated while lodging FIR that it was deceased who was at fault for causing the accident and no explanation is forthcoming for rejecting the initial statement made by PW2 immediatley after the accident. He has also argued that respondents/claimants No.2 to 5 are adults and well settled daughter and sons of deceased and, therefore, they could not have been held entitled to dependency and deduction on account of personal expenses ought to have been to the extent of 1/3rd instead of 1/4th.

4. The facts in the present case are not in dispute. Respondents/claimants had sought compensation on account of death of deceased Madan Lal in accident dated 06.04.2018 which had taken place at 5:15 PM. It is also not in dispute that one Rajiv Kumar, a shopkeeper, near place of accident duly made a statement upon which FIR No.98 dated 06.04.2018 under Sections 279, 337, 304 IPC was registered against the deceased Madan Lal with Police Station Haroli, H.P., who at that time was injured person, but subsequently he died during his treatment on 24.04.2018. The author of FIR Rajiv Kumar was duly examined by claimants. While appearing as PW2 he has not adhered to statement made by him upon which

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FIR was lodged, rather claimed that it was respondent No.1 on account of whose driving accident had occurred. This change of statement is being challenged by learned counsel for appellant/insurance company on the ground that statement made before police immediately after the accident within few hours of accident guarantees its trustworthiness, rather than statement made before the Court subsequently which clearly appears to be an afterthought and shows that PW2 was influenced by respondents/claimants.

5. On first look the argument raised by learned counsel for appellant/insurance company appears to be attractive, however, perusal of FIR goes to show that learned Tribunal has rightly concluded that it was respondent No.1 who had caused the accident. Perusal of FIR goes to show that same was lodged by the eye witness Rajiv Kumar PW2. He in his statement before the police at the time lodging the FIR had clearly stated that while he was sitting at his shop, the offending vehicle had stopped near his shop and when the said offending vehicle was taking turn, in the meanwhile deceased who was coming on scooter had struck his scooter against the offending vehicle on the driver's window side of offending vehicle. In his statement before the police he had also stated that it was scooter driver (deceased) who was coming at a high speed and was at fault. However, while appearing as PW2 he claimed that his statement was not rightly recorded by police at the time of lodging the FIR. He also claimed that it was offending vehicle which was at fault. He while explaining manner of occurrence asserted that it was bus which came at a high speed and had struck against the scooter.

6. On appreciation of both the versions given by Rajiv Kumar-

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PW2, especially in absence of any statement and denial of respondent No.1 regarding the manner of accident both the statements i.e. one at the time of lodging of FIR and another made before the Court goes to show that it was respondent No.1 who was responsible for causing the accident. Even in the statement before the Court PW2 stated that it was the offending vehicle which had caused accident. In FIR he had duly described manner of accident. He duly asserted that offending vehicle which had stopped near his shop took turn and scooter had struck against the driver window side. This clearly shows that accident had taken place on account of rash and negligent driving of respondent No.1, who without giving any indication had turned his vehicle all of a sudden. Sudden turn without proper signal by vehicle makes said vehicle rash and negligent and responsible for causing the accident. Therefore, the manner of accident stated by PW2 both at the time of lodging of FIR and while appearing before the Court clearly shows that accident was caused by respondent No.1 and, therefore, I do not find any error in the findings of learned Tribunal.

7. Learned counsel for appellant/insurance company has also pointed out that children who have attained majority are not entitled to any compensation for loss of dependency and, therefore, deduction towards personal expenses needs to be made to the extent of 1/3rd instead of 1/4th. The argument raised on behalf of appellant/insurance company is liable to be rejected. The application of deduction towards personal expenses is not dependent merely on the basis of number of dependents but Courts are bound to take the nature of dependency along with number of dependents. Even in the judgment passed by Hon'ble Supreme Court in **Sarla Verma Vs. Delhi Transport Corporation,** 2009 (3) RCR (Civil) 77, it has been

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held that to achieve uniformity in determination of compensation, personal expenses are to be deducted on the basis of number of dependents. However, discretion was left open to the Courts to apply lesser/higher dependency depending on the facts and circumstances of a case. Therefore, even in cases where sons and daughters of a deceased person are claimants, the dependency cannot be based upon mere number of dependents. It must be kept in mind that father and mother always treat their children as their dependents regardless of being majors/earning individuals and if parents are earning a certain amount they contribute towards their well settled children as per the culture prevalent in the society in India.

8. In the present case also, keeping in view the fact that claimant No.2 was married and claimants No.3, 4 and 5 are also well settled, even then learned Court keeping in view number of dependents has rightly applied personal expenses to the extent of 1/4th and this cannot be disturbed merely because claimants No.2 to 5 are well settled. The appreciation of evidence and dependency are always subject to conditions prevalent in the society. The dependency cannot be related to in a mechanical manner and, therefore, in the present case also personal expenses to the extent of 1/4th has rightly been deducted by learned Tribunal. Since there is no dispute regarding income of deceased, age of deceased, multiplier applied and amount of compensation towards consortium, loss of estate and funeral expenses, there is no merit in the present appeal, hence is dismissed.

9. Appellant/insurance company shall be free to receive Rs.25,000/- so deposited from the Registry of the High Court after showing payment of compensation to the respondents/claimants.

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10. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No

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