

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

115)

FAO-3107-2023 (O&M)
Date of Decision: 05.02.2026

Poonam and another

....Appellants

V/s

Joginder Kumar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. V.K. Gupta, Advocate, for the appellant.

Mr. R.K. Sawariya, Advocate and
Mr. Amrinder Singh, Advocate for
Mr. Pankaj Mehta, Advocate, for respondent No.3-insurance co.

VIKRAM AGGARWAL, J. (ORAL)

Claimants have preferred the instant appeal seeking enhancement in compensation granted to them vide Award dated 10.03.2023 passed by the Motor Accident Claims MACT, Panipat (for short 'MACT').

2. The facts, as emanating from the paper-book, are that the appellants, who are the parents and two brothers of one Vikas (deceased) instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act') for the grant of compensation of Rs.80 lakhs on account of the death of the said Vikas in a motor vehicular accident which took place on 31.03.2022.

3. It was averred that on 31.03.2022, Vikas came home at about 8.00 p.m from his work and thereafter, he went away on a motorcycle bearing Regn. No.HR-6-AC-8107 and did not return till late night. At about 12.00 a.m. on 01.04.2022, Vishal, the brother of Vikas, received a telephonic call informing him that his brother had met with an accident at Deshwal Chowk, Panipat. Vishal, along with two other persons, rushed to the spot

motorcycle. The accident was stated to have been caused by truck bearing Regn. No.HR-45-C-4228 (hereinafter referred to as "the offending vehicle") on account of its rash and negligent driving by its driver (respondent No.1- Joginder Singh). Vikas was shifted to Government Hospital, Panipat, where his post-mortem examination was conducted.

4. FIR No.143, dated 01.04.2022, under Sections 279 and 304A IPC was registered at Police Station Model Town, Panipat against respondent No.1.

5. It was averred that Vikas was 19 years old at the time of the accident and was hale and hearty. He was earning ₹18,000/- per month. It was further averred that he was the sole earning member of the family and that all the dependents were entirely reliant upon his income for their day-to-day sustenance. The claimants have been deprived of their only source of livelihood after his death. Accordingly, a sum of Rs.80 lakhs was claimed as compensation.

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

7. The insurance company raised its usual defences in the written statement and denied the factum of the accident. It was averred that truck bearing Regn. No.HR-45-C-4228 was falsely implicated by the claimants in collusion with the police and respondents No.1 and 2.

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

“1. Whether the accident took place on 01.04.2022 on account of rash and negligent driving of vehicle bearing No.HR-45-C-4228 by respondent No.1 resulting into the death of Sunil?OPP

2. If issue No.1 is proved in affirmative, whether the claimants/petitioners are entitled to compensation, if so, how much and from whom?OPP

3. Whether respondents No.1 and 2 have violated the terms and

conditions of the insurance policy absolving respondent No.3 Iffco-Tokio General Insurance Co. Ltd.?OPR-3
4. Relief.”

9. Parties led their respective evidence.
10. 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 20 years and 3 months and his monthly income was assessed as Rs.10,000/- per month. 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* and keeping in view the age of the deceased, a multiplier of ‘18 was applied by the MACT. The MACT assessed and granted the following compensation:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	20 years and 3 months
2.	Income of the deceased	Rs.10,000/-
3.	Future prospects @ 40%	Rs.4,000/- = Total income Rs.14,000/- per month
4.	After deducting 1/2 of the income as personal expenses of the deceased (Rs.7,000/- per month)	Rs.7000/- per month Annual income of Rs.84,000/-
5.	After applying Multiplier of ‘18’	Rs.84000/- x 18 =Rs.15,12,000/-
6.	Funeral expenses	Rs.16,500/-
7.	Loss of Estate	Rs.16,500/-
8.	Spouse consortium	Rs.44,000/-
	Total Compensation	Rs.15,89,000/-

As such, compensation of Rs.15,89,000/- was granted along with interest @ 6% 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,

respondent No.3-insurance company was directed to pay the compensation

along with interest.

11. I have heard learned counsel for the parties.
12. Learned counsel submits that compensation under conventional heads was not granted in terms of the judgment of the Supreme Court of India in *National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009*. As regards claim of filial consortium, it has been submitted that the same would be @ Rs.48,400/- for each dependant (for all the claimants).
13. *Per contra*, learned counsel for the insurance company submits that adequate compensation has been granted. However, he could not deny about the consortium/filial compensation being payable and about the compensation under the conventional heads.
14. I have considered the submissions made by learned counsel for the parties.
15. There is no challenge to the Award by either side on the issue of negligence and only enhancement in compensation is claimed. Having considered the submissions made by learned counsel for the parties, the compensation is assessed as under, keeping in mind 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	20 years and 3 months	No change
2.	Income of the deceased	Rs.10,000/-	No change
3.	Future prospects @ 40%	Rs.4,000/- = Total income Rs.14,000/- per month	No change
4.	After deducting 1/2 of the income as personal expenses of the deceased (Rs.7,000/- per month)	Rs.7000/- per month Annual income of Rs.84,000/-	No Change
5.	After applying Multiplier of ‘18’	Rs.84000/- x 18	No change Rs.15,12,000/-

		=Rs.15,12,000/-	
6.	Funeral expenses	Rs.16,500/-	Rs.18150/-
7.	Loss of Estate	Rs.16,500/-	Rs.18150/-
8.	Filial consortium	Rs.44,000/-	Rs.1,93,600/- (Rs.48400/- x 4)
Total		Rs.15,89,000/-	Rs.17,41,900/-

16. The total compensation, therefore, comes to Rs.17,41,900/-.

After deducting a sum of Rs.15,89,000/- as assessed by the MACT, the balance compensation comes to Rs1,52,900/-. 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 05, 2026

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No