



FAO-2765-2003 (O&M)

- 1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-2765-2003 (O&M)

PARKASH KAUR AND ANOTHER....Appellants

Versus

SURESH KUMAR AND OTHERS. Respondents

1.	Judgment reserved on	22.01.2026
2.	Judgment pronounced on	28.01.2026
3.	Judgment uploaded on	28.01.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Nil

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued by: Mr. Chetan Kapoor, Advocate for the appellants.

Mr. Vinod Gupta, Advocate
for the respondent No.3-Insurance Company.

YASHVIR SINGH RATHOR. J.

1. This appeal has been instituted for enhancement of compensation awarded in MACT case No.81-T of 10.09.2001/10.08.1998 decided by the MACT, Patiala, vide award dated 08.08.2002 in a petition under Section 166 of Motor Vehicles Act, 1988, vide which a sum of Rs.62,000/- has been awarded as

**FAO-2765-2003 (O&M)**

- 2-

compensation to the claimants/appellants alongwith interest at the rate of 12% per annum from the date of filing of claim petition till realization on account of death of Manjit Singh, who was son of claimant No.1-Parkash Kaur and grandson claimant No.2-Jai Kaur in a motor vehicle accident.

2. Case of claimants is that on 31.03.1998 at about 7:15 PM, Manjit Singh, Jagdish Singh and Lakhmir Singh were travelling in a bullock cart from Ambala-Rajpura road and when they reached in front of Bhangu Cold Storage within the area of village Mehmoodpur, tanker No.PAT-8389 came from the side of Ambala and hit their bullock cart which was being driven by respondent No.1 at a fast speed and in a rash and negligent manner. The cart was damaged and Manjit Singh died at the spot, while Jagdish Singh and Lakhmir Singh suffered injuries and were taken to A.P. Jain Hospital, Rajpura. It is submitted that deceased was unmarried and was 26 years of age. He used to work as a rickshaw puller and was also running a dairy farm and he used to earn Rs.6,000/- per month. They both were dependent upon him. Huge amount was also spent on last rites and after his death, the petitioners have no source of income and compensation was claimed.

3. Respondents No.1 and 2 in their written statement have pleaded that bullock cart suddenly came on the main road from the side lane and respondent No.1 could not stop the vehicle which resulted in the accident. He was not at all negligent and accident thus took place solely due to negligence of the persons who were sitting in the bullock cart.

4. Respondent No.3 has taken a plea that driver was not holding a valid and effective driving licence at the time of accident and insured has violated the



FAO-2765-2003 (O&M)

- 3-

terms and conditions of the insurance policy.

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

“1. Whether Manjit Singh died due to an accident which had taken place on 31.3.1998 in village Mehmoodpur due to rash and negligent driving of Suresh Kumar, respondent No.1, while driving Tanker No.PAT-8389? OPP.

2. Whether respondent No.1 was not holding a valid driving licence at the time of accident?OPR.

3. Whether the claimants are entitled to received compensation? If so, to what extent and from whom? OPP.

4. Relief.”

6. The claimants in order to prove their case examined A.W.1 Parkash Kaur, A.W.2 Jagdish Singh, A.W.3 Lakhmir Singh, A.W.4 Karam Chand and tendered in evidence Ex.A1 copy of post-mortem report, Ex.A2 copy of charge-sheet and Ex.A3 copy of F.I.R.

7. Respondents examined R.W.1 Suresh Kumar, R.W.2 Manga Ram Verma, R.W.3 Sham Lal, R.W.4 Joginder Singh Lehal and tendered in evidence Ex.R1 copy of driving licence, Ex.R2 copy of insurance policy, Ex.R3 report of Licensing Authority and Ex.R4 entry in register of Licensing Authority, Patiala.”

8. After hearing learned counsel for the parties and on going through the material on file, the Tribunal held that accident in question had taken place due to rash and negligent driving on the part of respondent No.1 while driving the offending vehicle and a sum of Rs.62,000/- was awarded as compensation to be paid jointly and severally by the respondents alongwith interest @ 12% per annum from the date of filing of claim petition till realization to be paid by respondents



FAO-2765-2003 (O&M)

- 4 -

jointly and severally.

9. Feeling aggrieved, claimants preferred the present appeal.
10. The parties have been heard and material on record has been perused.
11. At the very outset, it is pertinent to mention that neither the Insurance Company nor the owner and driver have instituted any appeal against the impugned award challenging the finding on Issue No.1 and as such there is no need to go into the finding on Issue No.1 and same is accordingly affirmed.
12. As per version of claimants, deceased was a rickshaw puller and was allegedly running a dairy farm and he used to earn Rs.6,000/- per month. However, no cogent and convincing evidence has been led to establish that deceased was running any dairy farm and learned Tribunal has thus rightly discarded the self-serving and bald statement of claimant No.1-Parkash Kaur in this regard and there is no reason to take a contrary view. Learned Tribunal has assessed the income of deceased, taking into consideration the minimum wages, to be Rs.2100/- per month. The accident had taken place on 31.03.1998 and the monthly income has thus rightly been taken into consideration as Rs.2100/- per month by the Tribunal.
13. Deceased was 26 years of age and as such, 40% amount has to be added to the monthly income of the deceased towards future prospects in view of law laid down in 2009(6) SCC 121 "***Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another***" and after adding the same, the monthly income comes to Rs.2,940/- per month (Rs.2100/- + Rs.840/-).
14. The Tribunal has assessed the monthly dependency @ ₹500/- per month but the same is on the lower side and grossly inadequate. As per law laid



FAO-2765-2003 (O&M)

- 5-

down in *Sarla Verma's case (supra)*, where deceased is unmarried, 50% of the income has to be deducted towards personal expenses and after deducting a sum of Rs.1470/- as personal expenses, the monthly dependency comes to Rs.1470/- per month and the annual dependency comes to Rs.17,640/- (Rs.1470 /- x 12).

15. As per *Sarla Verma's case (supra)* multiplier of 17 has to be applied in case of deceased aged 26 years and after applying the same, the compensation payable comes to Rs.2,99,880/- (rounded to Rs.3,00,000/-).

16. As per law laid down in 2017 ACJ 2700, '**National Insurance Co. Ltd Vs. Pranay Sethi and Others**', claimant No.1-Parkash Kaur (mother of deceased) is held entitled to a sum of Rs.40,000/- towards consortium, Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses. Likewise, in view of law laid down in 2018 (4) R.C.R. (Civil) 333, '**Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others**', claimant No.2-Jai Kaur, (grandmother of deceased) is also held entitled to a sum of Rs.40,000/- as compensation towards consortium. The total compensation payable thus comes out to be Rs.4,10,000/- as against Rs.62,000/- awarded by the Tribunal and petitioners are thus entitled to enhanced compensation of Rs.3,48,000/- (Rs.4,10,000/- - Rs.62,000/-).

17. Resultantly, the petition in hand is accepted with costs and petitioners are held entitled to a sum of Rs.3,48,000/- as enhanced compensation over and above the compensation awarded by the Tribunal alongwith interest at the rate of @ 9% per annum from the date of filing of claim petition i.e 10.09.2001 till realization and respondents No.1 to 3 are liable to pay compensation to the appellants/claimants jointly and severally. Petitioner No.1 shall be entitled to



FAO-2765-2003 (O&M)

- 6-

receive 75% of the amount and remaining amount shall be paid to petitioner No.2
alongwith proportionate interest.

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

28.01.2026
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No