



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

FAO-2002-2021 (O&M)
Date of Decision: 23.03.2026

Harpreet kaur and others

....Appellants

V/s

Vishal Raj and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Inderjeet Sharma, Advocate, for the appellants.
Ms. Mallika Dhillon, Advocate, for
Mr. S.S Sidhu, Advocate for respondent No.3-ins. co.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants i.e the widow and minor sons of the deceased Subeg Singh @ Subaig Singh seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal (for short 'MACT'), Fatehgarh Sahib vide award dated 02.03.2021 on account of death of Subeg Singh @ Subaig Singh, who expired in a motor vehicular accident which took place on 12.02.2019.

2. The facts as emanating from the paper book are that, Subeg Singh @ Subaig Singh, who was stated to be a security guard at Jaggi City Centre, Ambala City, on 12.02.2019, was going to village Sanjarpur, Tehsil Rajpura, District Patiala from his place of work on a motorcycle bearing registration No.PB-11-BU-7871. Gurpreet Singh, brother-in-law of Subeg Singh was following him on his motorcycle bearing registration No.PB-39-E-4171. At about 11.30 PM, when they were going towards Kalka Chowk, Ambala City from Railway Over Bridge near Jail, Ambala Cantt. to Rajpura Road, a maruti van bearing registration No.HR-37-B-9024 (hereinafter referred to as the 'offending vehicle') being driven by respondent No.1 in a

and negligent manner, at a very high speed, came from the back side

and hit the motorcycle of Subeg Singh with great force. As a result of the same, he fell on the road along with his motorcycle, and he suffered multiple injuries. The driver of Maruti Van ran away from the spot after seeing the serious condition of the injured. The injured was taken to Civil Hospital, Ambala City, from where, he was shifted to GMCH, Sector 32, Chandigarh for treatment, but on 19.02.2019, Subeg Singh (hereinafter referred to as 'the deceased') succumbed to the injuries suffered by him in the accident. FIR No.90 dated 19.02.2019 was registered under Section 279 & 304-A of IPC at PS Baldev Nagar Ambala City against respondent No.1.

3. It was averred that the deceased was aged about 55 years at the time of the accident and was working as a Security Guard at Jaggi City Centre, Ambala City and was drawing salary to the tune of Rs. 14,000/- per month. It had also been averred that the claimants were totally dependent upon the income of the deceased. Accordingly, a compensation of Rs.50 lacs along with interest @ 15% per annum from the date of filing of the claim application till its realization was claimed.

4. Respondent Nos.1 and 2 (driver and owner of the offending vehicle) filed their written statement. It was submitted that the claim petition was false and frivolous and the claimants had no right to file the same. All averments were denied.

5. Respondent No.3 insurance company took its usual defences in the written statement and denied the factum of the accident.

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

"1. Whether Subeg Singh @ Subaig Singh @ Subaig Singh died due to injuries received in road accident on 12.2.2019 due to rash and negligent driving of Maruti Van No.HR-37-B-9024 by respondent no, 1?OPP

2. Whether the claimants are entitled compensation, as prayed for, if so, to what extent and from which of the respondents ?OPP

- 3. *Whether respondent No.1 was not holding valid and effective driving licence and the offending vehicle does not have valid RC/fitness certificate at the time of accident, if so, its effect?OPR3*
- 4. *Whether the claim petition is not maintainable*
- 5. *Relief”*

7. Parties led their respective evidence.

8. The MACT held that the accident as a result of which Subeg Singh had expired had taken place on account of the rash and negligent driving of the offending vehicle by respondent no. 1. As regards quantum of compensation, the age of the deceased was assessed as 55 years and his income was assessed as Rs.8,000/- per month. Relying upon the law laid down in *National Insurance Co. Ltd. v/s Pranay Sethi and others, reported as 2017 SCC 1270* and *Sarla Verma v Delhi Transport Corporation reported as 2009 Vol.3 RCR 77* the following compensation was awarded:-

Sr. No.	Heads	Calculation
i.	Income of the deceased	Rs.8,000/- per month
ii.	10% of (i) above to be added as future prospects	Rs.8,000+800= Rs.8,800/- per month
iii.	1/4 of (ii) deducted as personal expenses of the deceased	Rs.8,800-2,200= Rs.6,600/-
iv.	Compensation after multiplier of 11 is applied	Rs.6,600x12x11=Rs.8,71,200/-
v.	Loss of Consortium	Rs.40,000/-
vi.	Loss of Estate	Rs.15,000/-
vii.	Funeral expenses	Rs.15,000/-
	Total Compensation	Rs.9,41,200/-

9. I have heard learned counsel for the parties.

10. Learned counsel for the appellants submits that the MACT did not examine the matter from the correct perspective. It has been submitted that the deceased was employed as a security guard at Jaggi City Centre, Ambala and was earning Rs.14,000/- per month. He submits, that even

in - law of deceased) had corroborated the factum of the deceased being employed as a security guard, but still his salary was assessed as Rs.8,000/- per month, which is on the lower side. It has further been contended that, consortium was also granted only to the wife of the deceased and not to all the dependants as was supposed to be granted in terms of ***Pranay Sethi's*** case (*supra*) and ***Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram***, (2018) 18 SCC 130.

11. *Per contra*, learned counsel for the insurance company submits that the compensation awarded by the MACT is adequate and that in the absence of any documentary evidence as regards the employment of the deceased as a security guard, the income was rightly assessed as that of an unskilled worker.

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

13. Coming to the first aspect i.e. income of the deceased, although, CW1 Harpreet Kaur (wife of deceased) and CW2 Gurpreet Singh (brother - in - law of deceased), had corroborated the factum of the deceased being employed as a security guard, no documentary evidence was produced on record to prove the same. The MACT, therefore committed no error by assessing his income as per the minimum wages. However, the income of the deceased was wrongly assessed as Rs. 8,000/- per month, being the minimum wages of an unskilled worker, which, at the relevant time in 2019 were Rs. 8,827.40/- per month, and was supposed to be assessed as such. Further, in terms of the ratio laid down by the Supreme Court of India in the cases of ***Pranay Sethi's and Magma General*** (*supra*), consortium, @ Rs.40,000/- was required to be granted to each dependant (for all the claimants), which had only been granted to the wife of the deceased.

14. 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
i.	Age of the deceased	55 years	No change
ii.	Income of the deceased	Rs.8,000/- per month	Rs. 9,000/- per month (rounded off from Rs. 8,827.40/-)
iii.	10% of (i) above to be added as future prospects	Rs.8,000+Rs. 800= Rs.8,800/- per month	Rs. 9,000/- + Rs. 900=Rs. 9,900/-
iv.	1/4 of (ii) deducted as personal expenses of the deceased	Rs.8,800- Rs.2,200= Rs.6,600/-	Rs. 9,900 – Rs. 2,475=Rs. 7,425/-
v.	After applying Multiplier of 11	Rs.6,600x12x11 =Rs.8,71,200/-	Rs. 7,425x12x11 = Rs. 9,80,100/-
vi.	Loss of consortium	Rs. 40,000	Rs. 1,60,000/- (Rs. 40,000 x 4 as to all claimants)
vii.	Loss of Estate	Rs.15000/-	Rs. 15,000/-
viii.	Funeral expenses	Rs.15000/-	Rs. 15,000/-
	Total Compensation	Rs.9,41,000/-	Rs.11,70,100/-

The total compensation, therefore, comes to Rs.11,70,100/-.

After deducting a sum of Rs.9,41,000/- as assessed by the MACT, the balance compensation comes to Rs.2,29,100/-. 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.

15. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

March 23, 2026
vcgarg/g

Whether speaking/reasoned:Yes/No

Whether reportable:Yes/No