



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

FAO-2196-2021 (O&M)
Date of Decision: 25.02.2026

Jaspal Kaur alias Pal Kaur and anotherAppellants

V/s

Karanpreet Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Manjit Singh Uppal, Advocate, for the appellants.

Mr. Ishan Thakur, Advocate for
Mr. L.S. Sidhu, Advocate, for respondents No.1 and 2.

Mr. Abhimanyu Kalsy, Advocate,
for respondent No.3-insurance company.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants, who are the parents of Jagsir Singh (since deceased), seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Mansa (for short “the MACT”) vide award dated 05.02.2021 passed in a claim petition instituted under Section 166 of the Motor Vehicles Act, 1988 (for short “the MV Act”) on account of death of Jagsir Singh, who expired in a motor vehicular accident which took place on 21.10.2017.

2. The case of the claimants was that on 21.10.2017, Jagsir Singh was coming from Village Akkanwali to Mansa on his Platina motorcycle, bearing registration No.PB-03X-4190, for some personal work. Sahib Singh, son of Sansar Singh, was riding as the pillion rider. Balvir Singh, maternal uncle of Jagsir Singh, was also travelling along the same route on a separate motorcycle and was following them. At about 10:15 A.M., when they had reached nearly half a kilometre ahead of Village Deluana towards Village

Nangal Kalan, a white Swift car bearing registration No.PB-31-R-9200

(hereinafter referred to as “the offending vehicle”) came from the opposite direction. The offending vehicle was being driven by respondent No.1 (Karanpreet Singh alias Karanpreet Singh) at a very high speed and in a rash and negligent manner who drove the car into the motorcycle of Jagsir Singh, resulting in a frontal collision. Due to the impact, both Jagsir Singh and Sahib Singh sustained grievous injuries. Local residents gathered at the scene, and the injured were immediately shifted to Civil Hospital, Mansa and were referred to Bathinda for further treatment. Jagsir Singh was taken to Global Hospital, Bathinda, where he was declared brought dead. His post-mortem examination was conducted on 22.10.2017 at Civil Hospital, Mansa.

3. FIR No. 133 dated 21.10.2017 under Sections 279, 337, 338, 427 and 304-A IPC was registered against respondent No. 1 at Police Station Sadar Mansa.

4. It was averred that Jagsir Singh was a hale and hearty person and was well educated. It was averred that at the time of accident, Jagsir Singh was 24 years old. It was averred that he was an agriculturist and used to cultivate the land on lease. He was also running a dairy farm and used to sell/supply milk to Akkanwali Milk Cooperative Society. He was stated to be earning Rs.3 lakhs per annum. Apart from this, he was stated to be working with Veterinary Doctor in his free time. It was pleaded that, in the normal course of events, his income would have increased in future. However, due to his untimely death caused by the accident, the claimants had suffered irreparable loss of financial support, love, and affection. Accordingly, a sum of Rs.80,00,000/- was claimed as compensation along with interest from the date of accident till its realization.

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

6. The insurance company raised its usual defences in the written statement and denied the factum of the accident.

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

- “1. Whether Jagsir Sinmgh had died in a motor vehicular accident, which took place on 21.10.2017 on account of rash and negligent driving of Swift Car No.PB-13-R-9200 driven b respondent No.1?OPP*
- 2. (if) issue No.1 is proved, whether the claimants are entitled to receive compensation, if so to what extent and from whom of the respondents?OPP*
- 3. Whether the claimants have no locus-standi and cause of action to file the present claim petition?OPR*
- 4. Whether the claim petition is not maintainable?OPR*
- 5. Whether the claim petition is bad for non-joinder of necessary parties?OPR*
- 6. Whether respondent No.1 was not having a valid and effective driving licence at the time of accident?OPR-3*
- 7. Whether respondent No.2 has violated the terms and conditions of the insurance policy?OPR-3*
- 8. Relief.”*

8. Parties led their respective evidence.

9. After considering the evidence led on the record of the case, a finding was recorded by the MACT that the accident as a result of which Jagsir Singh had expired had taken place on account of the rash and negligent driving of the driver of the offending vehicle. The age of Jagsir Singh was assessed as 24 years. His income was assessed as Rs.8,000/- per month and the following compensation was awarded:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	24 years
2.	Income of the deceased	Rs.8,000/- per month
3.	Future Prospects @ 40%	Rs.3200/-
4.	Total income	Rs.11,200/-
5.	½ deduction towards personal expenses	Rs.5,600/- per month
6.	Loss of income	Rs.5600/- x 12 =Rs.67,200/- per annum
7.	Multiplier of ‘18’	Rs.67200 x 18

		=Rs.12,09,600/-
8.	Funeral expenses	Rs.15,000/-
9.	Loss of Estate	Rs.15,000/-
10.	Filial Consortium	Rs.40,000/-
11.	10% increase on conventional heads	Rs.7000/-
Total Compensation		Rs.12,86,600/-

10. I have heard learned counsel for the parties.

11. Learned counsel for the appellants has submitted that the MACT did not consider the matter from the correct perspective. It has been submitted that the deceased Jagsir Singh was 24 years old and was well educated. His detailed mark sheets of B.A (1st year) along with copies of NSS Certificate and other certificates indicating his excellence in sports were produced as Mark A-2 to Mark A-6 but the same were not taken on record by the MACT stating that the documents had not been proved in accordance with law. Learned counsel has submitted that apart from this, it had also been proved by PW-3 (Bikkar Singh), who was the Secretary of Akkanwali Milk Producer’s Cooperative Society that Jagsir Singh used to sell milk to the society and Member Code was 415. Learned counsel has submitted that the MACT rejected this evidence also on technical grounds forgetting that strict rules of evidence are not applicable to proceedings before the MACT. Learned counsel has contended that under the circumstances, the income of the deceased (Jagsir Singh) was required to be assessed as Rs.15,000/- per month. He was a promising young man. It has further been submitted that the amount of compensation awarded towards filial consortium is also inadequate since only Rs.40,000/- was awarded to one appellant only. It has been submitted that the same also deserves to be enhanced in terms of the decision of the Hon’ble Apex Court in *National Insurance Company Limited vs. Pranay Sethi and others*, (2017)16 SCC

680. As regards the compensation on account of loss of estate and funeral expenses, it has been submitted that the same also deserves to be enhanced in terms of the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (supra) and ***Smt. Sarla Verma and others vs. Delhi Transport Corporation and another*, (2009) 6 SCC 121.**

12. *Per contra*, learned counsel for respondent No.3-insurance company has opposed the submissions made by learned counsel for the appellants stating that the MACT has rightly assessed the compensation.

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

14. In so far as the age of the deceased is concerned, the same was assessed as 24 years. The claimants are his parents, the deceased being unmarried. In so far as the notional income of the deceased is concerned, it duly came on record that the deceased was an educated person and was also excelling in sports. Certain certificates were produced on record as Mark A-2 to Mark A-6. No doubt, they were not proved in accordance with law. However, it has to be borne in mind that strict rules of evidence are not applicable to proceedings before the MACT. Statements of witnesses like Bikkar Singh (PW-3) should normally not be discarded. In any case, Jagsir Singh was a young man, aged 24 years and, therefore, his notional income should have been assessed in terms of his educational qualification and keeping in view the fact that he was also doing the work of milk selling. It has to be borne in mind that selling of milk etc. does not have much proof and once a witness had appeared in the witness box and had given the membership number also and apart from that other educational certificates as regards the education of the deceased were also produced, notional

this Court deems it appropriate to assess the notional income of the deceased as Rs.15,000/- per month.

15. Accordingly, the compensation assessed by this Court is as under:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	24 years	24 years (no change)
2.	Income of the deceased	Rs.8,000/- per month	Rs.15,000/- per month
3.	Future Prospects @ 40%	Rs.3200/-	Rs.6,000/- per month
4.	Total income	Rs.11,200/-	Rs.21,000/- per month
5.	½ deduction towards personal expenses	Rs.5,600/- per month	Rs.10,500/-
6.	Loss of income	Rs.5600/- x 12 =Rs.67,200/- per annum	Rs.10,500 x 12 =Rs.1,26,000/- per annum
7.	Multiplier of ‘18’	Rs.67200 x 18 =Rs.12,09,600/-	Rs.1,26,000 x 18 =Rs.22,68,000/-
8.	Funeral expenses	Rs.15,000/-	Rs.18,150/-
9.	Loss of Estate	Rs.15,000/-	Rs.18,150/-
10.	Filial Consortium	Rs.40,000/-	Rs.96800/- (Rs.48400/- each to the parents)
11.	10% increase on conventional heads	Rs.7000/-	Nil
Total Compensation		Rs.12,86,600/-	Rs.24,01,100/-

16. The total compensation, therefore, comes to Rs.24,01,100/-. After deducting a sum of Rs.12,86,600/- as assessed by the MACT, the balance compensation comes to **Rs.11,14,500/-**. 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 25, 2026

vcgarg	Whether speaking/reasoned:	Yes/No
	Whether reportable:	Yes/No