

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**FAO-2244-2026 (O&M)
Date of decision: 04.05.2026

Indusind General Insurance Company Ltd.

...Appellant

Versus

Sayra and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. D.K. Prajapati, Advocate for the appellant.

DEEPAK GUPTA, J. (ORAL)

In compliance of the previous order dated 21.04.2026, a copy of the final report under Section 173 Cr.P.C. has been filed, which would reveal that Noor Mohammad was actually cited as an eye-witness.

2. On account of the death of Sahukar son of Ali Mohammad in a motor vehicular accident, a claim petition was filed under Section 166 of the Motor Vehicles Act by his parents as the deceased was unmarried. The Tribunal returned a categorical finding that the accident occurred due to rash and negligent driving of the offending vehicle bearing No. HR-93-6176 and awarded compensation of Rs.16,16,000/- payable by the respondents jointly and severally along with interest.

3. The insurer has assailed the aforesaid award on two points. The first contention of learned counsel is that the FIR was lodged against unknown driver of an unknown vehicle, but later on, Noor Mohammad was introduced as an eye witness, who supported the case of the claimant, but who has not appeared in the witness box before the criminal Court till date. The second submission made by learned counsel is that though 40% of the notional income of the deceased was added towards future prospects, but while calculating the amount, the Tribunal has actually added 50%.



4. After considering the submissions of learned counsel and going through the award, this Court does not find merit in the first contention.

5. As the perusal of the FIR would reveal that it was clearly stated by author of the FIR Ali Mohammad, the father of the deceased that he was informed by some persons that some unknown vehicle had hit his son i.e. deceased, which had resulted in his death. On the very next date of accident i.e. 29.12.2020, Noor Mohammad and Bahadur had appeared before the police and disclosed the registration number of the offending vehicle. Concededly, said Noor Mohammad has supported the case of the claimants before the Tribunal, as per which the accident was caused due to rash and negligent driving of the offending vehicle.

6. Since, the matters under the Motor Vehicles Act are to be decided on the basis of preponderance of evidence and not on the standard of proof beyond doubt, therefore, this Court does not find any fault in the reasoning given by the Tribunal, whereby the offending vehicle has been held to be responsible for causing the accident due to rash and negligent driving of its driver resulting in the death of Sahukar, based on testimony of Noor Mohammad. As such, this contention is rejected.

7. However, as far as the second contention is concerned, it has merit. The notional income of the deceased has been taken at Rs.9,500/- which is not in dispute. As per para No.25 of the award, 40% was added towards future prospects having regard to the age of the deceased being less than 40 years. However, in para No.27, while calculating the amount, the Tribunal has actually added 50% towards future prospects taking the total income at Rs.14,250/-, though it should have been Rs.9500 + 3800 i.e. Rs.13,300/-. Thus, the annual income works out to be Rs.1,59,600/-.

8. Since, the deceased was unmarried, so half of deduction is to



be made as only the mother will be entitled to compensation. That will take the loss of annual dependency at Rs.79,800/-. The appropriate multiplier of 18 as applied by the Tribunal is not disputed by counsel for the insurance company. That will take the total loss of dependency at Rs.14,36,400/-. Though, the father is not entitled to compensation under the loss of dependency, but of course, he will be entitled to compensation for loss of filial consortium to the extent of Rs.44,000/- in addition to Rs.44,000/- awardable to the mother. Apart from this, Rs.16,500/- each is required to be awarded under the head of funeral expenses and loss of estate. That will take the total compensation at Rs.15,57,400/-.

9. As such, the total compensation as awarded by the Tribunal to be Rs.16,16,000/- is reduced to Rs.15,57,400/-. Rest of the terms shall remain as it is.

10. Since, this petition is being disposed of without issuing any notice to the claimants having regard to the fact that there was only a calculation mistake on the part of the Tribunal, therefore, the claimants will be at liberty to approach this Court in case, they feel aggrieved. The present appeal stands disposed of accordingly by reducing the compensation amount to Rs.15,57,400/-. The said amount is to be deposited within two months from today along with interest @7.5% per annum from the date of filing of the claim petition till actual realization and in case, it is not deposited within two months, then interest shall be 9% per annum as has been awarded by the Tribunal.

04.05.2026
Yogesh

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No