



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

Date of Decision: 13.01.2026

FAO-2754-2024 (O&M)

1)

Paramjit Kaur and others

....Appellants

V/s

Asha Gakhar and others

....Respondents

2)

FAO-2847-2024 (O&M)

Ranjeet Kaur and others

....Appellants

V/s

Asha Gakhar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Anil Kumar Garg, Advocate, for the appellants.
(in both appeals).

Mr. Vinod Gupta, Advocate,
for respondent No.3-insurance company (in both appeals)

VIKRAM AGGARWAL, J. (ORAL)

This judgment shall dispose of the afore titled appeals, both seeking enhancement in compensation awarded by the Motor Accident Claims Tribunal, Mansa (hereinafter referred to as “the MACT”). Facts shall essentially be derived from FAO-2754-2024 whereas reference to facts as given in the other appeal viz. FAO-2847-2024 shall also be made wherever required.

2. Two separate claim petitions were instituted before the MACT. One was filed by the legal representatives of Harminster Pal Singh 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 death his death in a

motor vehicular accident which took place on 08.03.2020. The second claim petition was filed by the legal representatives of Bant Ram, who had also expired in the accident in question, claiming Rs.1.6 crore as compensation.

3. The case of the claimants was that on 08.03.2020, Harminder Pal Singh and Bant Ram along with others were coming from Mansa to Sirsa on a Tavera vehicle bearing Regn. No.PB-10-BY-1107 being driven by Babby Singh on the correct left hand side at a normal speed. At about 6.00 A.M., when they reached near Panihari Bus Stop on Mansa-Sirsa Road, a tanker bearing Regn. No.UP-17-T-9018 (hereinafter referred to as “the offending vehicle”) came from the opposite side. As per the claimants, it was being driven at a very high speed in a zig-zag, rash and negligent manner by respondent No.2 (Chhote Lal). It struck against the Tavera vehicle, in which Harminder Pal Singh and Bant Ram along with others were travelling as a result of which, Harminder Singh, Bant Ram and other occupants namely Gurcharan Singh, Mukesh Kumar, Tarsem Singh and Babby Singh (the driver of the Tavera) died. All deceased and injured were taken to Civil Hospital, Sirsa. FIR No.63, dated 08.03.2020 under Sections 279, 304A, 337, 427 IPC was registered at Police Station Sirsa Sadar, District Sirsa.

4. It was claimed that Harminder Pal Singh was 49 years old and was working as a Mason and was earning Rs.20,000/- per month. It was claimed that a sum of Rs.80,000/- had been spent on his transportation, last rites and funeral expenses.

4.1 As regards Bant Ram, he was claimed to be 49 years old and was stated to be employed with Punjab State Agricultural Marketing Board and was getting a salary of Rs.40,000/- per month. It was also claimed that

to Rs.50,000/- per month. A sum of Rs.90,000/- was claimed to have been spent on his transportation, last rites and funeral expenses.

5. On notice, respondents No.1 and 2 did not appear and were proceeded against *ex parte*.

6. The claim petitions were opposed by respondent No.3-insurance company. In the written statement, it took its usual defences and denied the factum of the accident.

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

- “1. Whether Harminder Pal Singh had died in a accident, caused by respondent No.2 Chhote Lal Parjapati by vehicle tanker bearing No.UP-17-T-9018, in rash and negligent manner, on 08.03.2020, near Panihari Bus Stop, PS Sadar Sirsa, District Sirsa?OPP***

2. Whether claimant is entitled to receive the compensation amount in view of the death of Harminder pal Singh?OPP

3. Whether the claim petition is bad for mis-joinder and non-joinder of necessary parties?OPR

4. Whether the claim petition is not maintainable in the present form?OPR

5. Whether respondent No.2 Chhote Lal was not holding a valid driving license and respojndent No.1 was not having valid registration certificate, fitness certificate, permit/route permit, at the time of the accident?OPR

6. Relief.”

8. Parties led their respective evidence.

9. The MACT held that the accident had taken place on account of the rash and negligent act of the offending vehicle by respondent No.2. As regards the quantum of compensation in respect of Harminder Pal Singh, his legal representatives were held entitled to the following compensation by the MACT:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	52½ years

2.	Income of the deceased	Rs.9,000/- per month Annual Income Rs.1,08,000/-
3.	Future prospects @ 10%	Rs.1,18,800/-
4.	Deduction @ 1/3 towards personal expenses	Rs.39,600/-
5.	Total income after deducting personal expenses	Rs.79,200/-
6.	After applying Multiplier of '11'	Rs.79,200/- x 11 Rs.8,71,200/-
7.	Consortium	Rs.80,000/- (Rs.40,000/- each to both claimants)
8.	Loss of Estate and funeral expenses	Rs.30,000/- (Rs.15000/- under each head)
	Total Compensation	Rs.9,81,200/-

9.1. As regards the quantum of compensation in respect of Bant Ram (deceased), his legal representatives were held entitled to the following compensation by the MACT:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	50 years 10 months 23 days
2.	Income of the deceased	Rs.33,872/- per month Annual Income Rs.3,90,817.60 (after deducting tax component)
3.	Future prospects @ 15%	Rs.4,49,440.24/-
4.	Deduction @ 1/4 towards personal expenses	Rs.1,12,360.06/-
5.	Total income after deducting personal expenses	Rs.3,37,080.18/-
6.	After applying Multiplier of '11'	Rs.3,37,080.18/- x 11 Rs.37,07,881.98/-
7.	Consortium	Rs.80,000/- (Rs.40,000/- to claimant No.1 and Rs.40,000 collectively to claimants No.2 to 4)
8.	Loss of Estate and funeral expenses	Rs.30,000/- (Rs.15000/- under each head)
	Total Compensation	Rs.38,17,881.98/-

10. Seeking enhancement in compensation, the instant appeals have been preferred.

11. I have heard learned counsel for the parties.

12. Learned counsel for the appellants (in FAO-2754-2024) submits that Harminder Pal Singh was a Mason by profession and, therefore, the income should have been assessed accordingly whereas the MACT erroneously held him to be a labourer and accordingly assessed the income of Rs.9,000/- per month. He further submits that in view of the principles laid down by the Hon'ble Supreme Court in the cases of *National Insurance Company Limited vs. Pranay Sethi and others*, (2017)16 SCC 680, *Smt. Sarla Verma and others vs. Delhi Transport Corporation and another*, (2009) 6 SCC 121 and *Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram*, (2018) 18 SCC 130, filial consortium would be @ Rs.48,400/- for each dependant. He submits that compensation under conventional heads i.e. for loss of estate and funeral expenses should also be increased to Rs.18150/- under each head.

13. As regards FAO-2847-2024, learned counsel submits that the MACT has erroneously applied the multiplier of '11' whereas in terms of the ratio of law laid down in the case of *Smt. Sarla Verma and others (supra)*, multiplier of '13' should have been applied keeping in view the age of the deceased, who was 50 years and 10 months old at the time of accident and not 51 years. He further submits that filial consortium and compensation on account of loss of estate and funeral expenses would also be enhanced in terms of the law laid down by the Hon'ble Apex Court in *Pranay Sethi's* case (*supra*).

14. *Per contra*, learned counsel for the insurance company submits that adequate compensation has been granted. He submits that there was no

evidence as regards Harminder Pal Singh being a Mason and, therefore, the MACT rightly assessed the monthly income by treating him as a labourer. However, he could not dispute the factum of the multiplier of ‘13’ being applicable in the case of Bant Ram (deceased) in terms of the law laid down by the Hon’ble Apex Court in the case of **Smt. Sarla Verma** (supra). He also could not deny about the consortium/filial compensation to be payable in terms of the judgment of the Hon’ble Supreme Court of India in the case of **Pranay Sethi** (supra).

15. Having considered the submissions made by learned counsel for the parties, this Court finds that there is no illegality in taking Harminder Pal Singh to be a labourer as there was no evidence as regards him being a Mason. There would, therefore, be no change in assessment of monthly income of Harminder Pal Singh. However, compensation on account of filial consortium, loss of estate and funeral expenses would be enhanced in terms of the ratio of law laid down by the Hon’ble the Apex Court in the cases of **Pranay Sethi** and **Sarla Verma** (supra). The compensation assessed/enhanced by this Court in the case of **Harminder Pal Singh** (deceased) is as under:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	52½ years	No change
2.	Income of the deceased	Rs.9,000/- p.m. Annual Income Rs.1,08,000/-	Rs.9,000/- p.m. Annual Income Rs.1,08,000/- (No change)
3.	Future prospects @ 10%	Rs.1,18,800/-	Rs.1,18,800/- (No change)
4.	Deduction @ 1/3 towards personal expenses	Rs.39,600/-	Rs.39,600/- (No change)
5.	Total income after deducting personal expenses	Rs.79,200/-	Rs.79,200/- (No change)
6.	After applying	Rs.79,200/- x 11	Rs.79,200/- x 11

	Multiplier of ‘11’	Rs.8,71,200/-	Rs.8,71,200/- (No change)
7.	Filial Consortium	Rs.80,000/- (Rs.40,000/- each to both claimants)	Rs.96,800/- (Rs.48,400/- each to both claimants)
8.	Loss of Estate and funeral expenses	Rs.30,000/- (Rs.15000/- under each head)	Rs.36300/- (Rs.18150/- x 2)
	Total Compensation	Rs.9,81,200/-	Rs.10,04,300/-

16. In so far as the case of **Bant Ram** (deceased) is concerned, the following compensation is assessed/enhanced by this Court:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation by this Court
1	Age of the deceased	50 years 10 months 23 days	No change
2	Income of the deceased	Rs.33,872/- p.m. Annual Income Rs.3,90,817.60 (after deducting tax component)	Rs.33,872/- p.m. Annual Income Rs.3,90,817.60 (after deducting tax component) (no change)
3	Future prospects @ 15%	Rs.4,49,440.24/-	Rs.4,49,440.24/- (no change)
4	Deduction @ 1/4 towards personal expenses	Rs.1,12,360.06/-	Rs.1,12,360.06/- (no change)
5	Total income after deducting personal expenses	Rs.3,37,080.18/-	Rs.3,37,080.18/- (no change)
6	Annual income after applying multiplier	Rs.3,37,080.18/- x 11 Rs.37,07,881.98/- (applied multiplier of ‘11’)	Rs.3,37,080.18/- x 13 Rs.43,82,042/- (applying multiplier of ‘13’)
7	Filial Consortium	Rs.80,000/- (Rs.40,000/- each to both claimants)	Rs.1,93,600/- (Rs.48400 x 4)
8	Loss of Estate and funeral expenses	Rs.30,000/- (Rs.15000/- under each head)	Rs.36300/- (Rs.18150/- under each head)
	Total Compensation	Rs.38,17,881.98/-	Rs.46,11,942/-

17. Accordingly, a sum of Rs.23,100/- shall be paid to the legal representatives of Harmindar Pal Singh over and above assessed by the

MACT i.e. Rs.9,81,200/-. In the case of Bant Ram (deceased), the total compensation, comes to Rs.46,11,942/-. After deducting a sum of Rs.38,17,881.98/- as assessed by the MACT, the balance compensation comes to Rs.7,94,060/-.

18. The aforesaid enhanced 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.

19. The present appeals are accordingly disposed of.
Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

January 13, 2026

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