



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

FAO-2375-2009 (O&M)
Date of Decision: 01.04.2026

Geeta and othersAppellants

V/s

Sukhpal and othersRespondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Ashutosh Bhardwaj, Advocate and
Mr. Parvesh K. Saini, Advocate, for the appellants.

Mr. R.C. Kapoor, Advocate,
for respondent No.3-insurance company.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants, who are the widow and parents of Om Parkash (since deceased), seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Kaithal (for short “the MACT”) vide award dated 08.12.2006 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 Om Parkash, who expired in a motor vehicular accident which took place on 11.12.2005.

2. The case of the claimants was that on 11.12.2005, Om Parkash and two others were going towards Village Kawartan on their motor-cycle bearing Regn. No.HR-31-B-5065, which was being driven by one Ram Lal. Om Parkash was the pillion rider. They were followed by Hari Kesh, who was driving motor-cycle bearing Regn. No.HR-41-6493. When Om Parkash and others reached near the Garban Shah Gurudawara, Pehowa, in the meantime, a private bus bearing Regn. No.HR-65-1177 (hereinafter referred

Sukhpal) rashly, negligently and at a very high speed, came from the opposite direction and struck against the motorcycle of Om Parkash and others as a result of which, all the three fell down on the road and received multiple and grievous injuries. All were taken to the hospital, where Om Parkash was declared to be brought dead and two others (Ram Pal and Surinder) were referred to LNJP Hospital, Kurukshetra. It was averred that the accident in question had occurred solely due to the rash and negligent driving of the offending vehicle by respondent No.1.

3. FIR No.456 of 2005 under Sections 279, 337, 338, 304A IPC was registered at Police Station Pehowa.

4. It was averred that Om Parkash was hale and hearty. It was averred that at the time of accident, he was 22 years old. He was stated to be an agriculturist earning Rs.10,000/- per month by taking land on lease and that apart from this, he was also a tailor, earning Rs.6000/- per month. It was averred that he was the sole breadwinner of the family. On account of the untimely death of Om Parkash, the claimants claimed to have suffered immense financial loss, as well as irreparable loss of love, care and affection. It was averred that the claimants had also incurred expenses exceeding Rs.35,000/- on the last rites. Accordingly, adequate compensation along with interest from the date of accident till realization was claimed.

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 of the offending vehicle raised its usual defences in its written statement and denied the factum of the accident.

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

- and Surinder and death of Om Parkash took place due to rash and negligent driving of bus No.HR-65-1177 by respondent No.1 ? OPP*
- 2. If issue No.1 is proved, whether the claimants are entitled to compensation, if so to what amount and from whom? OPP*
- 3. Whether respondent No.1 was not holding any valid or effective driving licence at the time of alleged accident?OPR-3*
- 4. 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 Om Parkash had expired had taken place on account of the rash and negligent driving of the driver of the offending vehicle. His income was assessed as Rs.2400/- per month and the following compensation was awarded:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	22 years
2.	Income of the deceased	Rs.2400/- per month Rs.28800/- (annual)
3.	1/3 rd deduction towards personal expenses	Rs.9600/- (annual)
4.	Actual loss of income	Rs.19200/- (annual)
5.	Multiplier of “15”	Rs.19200 x 15 Rs.2,88,000/-
6.	Loss of Estate	Nil
7.	Funeral expenses	Rs.20,000/-
8.	Loss of Consortium	Rs.20,000/-
Total Compensation		Rs.3,28,000/-

10. I have heard learned counsel for the parties.
11. Learned counsel for the appellants submits that inadequate compensation was awarded by the MACT. It has been argued that the deceased Om Parkash was having agricultural land, which he had given on lease. He further submits that from the said lease, his monthly income was Rs.10,000/-. He also submits that apart from this, the deceased was working as a tailor and was earning Rs.6000/- per month. He further submits that

no future prospects were granted. Learned counsel submits that in terms of the ratio of law laid down by the Hon'ble Apex Court in the case of *National Insurance Company Limited vs. Pranay Sethi and others*, (2017)16 SCC 680 and *Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram*, (2018) 18 SCC 130, no appropriate consortium and compensation under the heads of loss of estate and funeral expenses were awarded.

12. He further submits that in terms of the judgment of the Supreme Court of India in *Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another*, 2009 SCC Online SC 797, keeping in view the age of the deceased, he being 22 years old at the time of accident, multiplier of '18' should have been adopted instead of '15'. He further submits that inadequate rate of interest was granted by the MACT.

13. *Per contra*, learned counsel for respondent No.3-insurance company submits that there is no scope of interference in the quantum of compensation as no evidence was led to prove that Om Parkash (since deceased) was owner of any agricultural land and that he was giving the said land on lease. Learned counsel further submits that as regards the deceased working as a tailor also, there was no concrete evidence to prove the said fact as a result of which, the MACT rightly assessed the monthly income of the deceased.

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

15. In so far as the income of the deceased is concerned, there was absolutely no evidence to prove the actual income of the deceased. There was no evidence as regards the deceased owning some agricultural land or

been assessed as per the minimum wages, which were Rs.2400/- per month at the relevant time. As such, the MACT did not commit any error in assessing the income of the deceased. However, while assessing the income of the deceased, the MACT did not add future prospects to the assessed income of the deceased in terms of the law laid down in the case of **Pranay Sethi** (supra). Under the circumstances, future prospects @ 40% also deserve to be added to the assessed income of the deceased. Since the age of the deceased was 22 years, multiplier of ‘18’ deserves to be granted in terms of the ratio of law laid down by the Apex Court in the cases of **Sarla Verma** (supra) and **Pranay Sethi** (supra).

16. 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	22 years	No change
2.	Income of the deceased	Rs.2400/- per month Rs.28800/- (annual)	No change
3.	1/3 rd deduction towards personal expenses	Rs.9600/- (annual)	No change Rs.9600/- (annual)
4.	Actual loss of income	Rs.19200/- (annual)	No change (Annual Rs.19200/-)
5.	Future prospects @ 40%	Not granted	Rs.7680/- Rs.19200/- + Rs.7680 = Rs.26880/-
5.	Multiplier of “15”	Rs.19200 x 15 Rs.2,88,000/-	Rs.26880/- x 18 Rs.4,83,840/-
6.	Loss of Estate	Nil	Rs.15000/-
7.	Funeral expenses	Rs.20,000/-	Rs.15000/-
8.	Loss of Consortium	Rs.20,000/-	Rs.(1,20,000/- Rs.40,000 x 3)
		Rs.3,28,000/-	Rs.6,33,840/-

17. The total compensation, therefore, comes to Rs.6,33,840/-.

After deducting a sum of Rs.3,28,000/- as assessed by the MACT, the

balance compensation comes to **Rs.3,05,840/-**. 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.

18. The present appeal is accordingly disposed of.
- Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

April 01, 2026

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