

2026:PHHC:011044



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

FAO-3284-2024 (O&M)

Date of Decision: 27.1.2026

Majidan and others

....Appellants

Versus

Iqbal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Kunal Phogat, Advocate, for the appellants.

Mr. Vishwajit Bedi, Advocate, for respondent No.3.

VIKRAM AGGARWAL, J.

The instant appeal has been instituted by the appellant-claimants seeking enhancement in compensation awarded by the Motor Accident Claims Tribunal, Nuh (for short 'the MACT'), on account of death of one Alisher, who expired in a motor vehicular accident, which took place on 03.06.2019.

2. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act') was instituted by the widow, four major sons; one minor daughter and mother of one Ali Sher. It was pleaded that on 03.06.2019, one Warish (son of Arif) was coming from village Ladhiyapur to Sohna on a motorcycle. Ali Sher met them in village Lakhubass at Ballabgarh turn on another motorcycle. Warish started following the motorcycle of his father. When they reached village

Lakhubass, a vehicle bearing Registration Number HR-55-V-3687 (hereinafter referred to as 'the offending vehicle') came at a very high speed, which was being driven by respondent No.1 in a rash and negligent manner. It struck the motorcycle being driven by Ali Sher, from the back side, as a result of which, he sustained multiple grievous injuries. He was taken to General Hospital, Gurugram, where he was declared brought dead. FIR No. 318 dated 03.06.2019 under Sections 279 and 304-A IPC was registered at Police Station City Sohna.

Ali Sher was claimed to be aged 45 years and earning Rs.20,000/- per month by working as an agriculturist and a milk supplier. Accordingly, compensation of Rs.30,00,000/- was claimed.

3. The driver and the owner of the offending vehicle, did not contest the claim petition and since they did not put in appearance despite service, they were proceeded against ex-parte.

The Insurance Company raised its usual defences in the written statement and denied the factum of the accident.

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

- 1. Whether the accident in question resulting into death of Ali Sher, took place due to injuries sustained by him in rash and negligent driving of vehicle bearing registration No. HR-55-V-2687 by its driver-respondent No.1? OPP**
- 2. If issue No.1 is proved, whether the petitioners are entitled to get compensation**

on account of death of deceased in the accident and if so, how much and from whom? OPP

3. Whether the respondent No.1 was not holding a valid and effective driving licence at the time of alleged accident? OPR-3

4. Whether the insured has violated the terms and conditions of the insurance policy? OPR-3

5. Relief.

5. Parties led their respective evidence.

6. Vide award dated 15.03.2024, the MACT partly allowed the claim petition, leading to the filing of the instant appeal.

The MACT held that the accident, as a result of which Ali Sher had expired, had taken place on account of the rash and negligent driving of respondent No.2. Under issue No.2, the age of Ali Sher was assessed as 71 years and his income was assessed as Rs.9,000/- per month. Taking the minimum wages applicable at the relevant time, 1/5th amount was deducted for personal expenses and after applying the ratio laid down in the case of **National Insurance Company Limited vs. Pranay Sethi and others, (2017)16 SCC 680**, a sum of Rs.5,09,000/- was assessed as compensation.

7. I have heard learned counsel for the parties.

8. The sole argument raised by learned counsel for the appellants is that consortium was erroneously awarded only to one claimant, whereas it should have been awarded to all the claimants. He further submits that in view of the ratio laid down

in **Pranay Sethi’s** case (supra), the amount awarded on account of funeral expenses and loss of estate deserves to be enhanced.

9. Learned counsel for the Insurance Company, has not been able to dispute that the consortium would be payable to all the claimants and that in terms of the ratio laid down in **Pranay Sethi’s** case (supra), the amount awarded on account of funeral expenses and loss of estate also requires to be enhanced.

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

11. There is no challenge to the Award by either side on the issue of negligence. As noticed above, the only argument raised by learned counsel for the appellants, is that in terms of the ratio laid down by the Supreme Court of India in the case of **Pranay Sethi** (supra), filial consortium, @ Rs.48,400/- for each of the dependants, was required to be granted. Still further, for funeral expenses and loss of estate, Rs.18,150/- under each head, was also required to be awarded.

12. Having considered the submissions made by learned counsel for the parties, the compensation awarded by the MACT is enhanced as under:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	71 years	No change
2.	Income of the deceased	Rs.9000/- per month	(No change)
3.	After deducting 1/5 th of the income as personal expenses of the deceased	Rs.86,400/- per annum (Rs.7200 x 12)	(No change)
4.	After applying Multiplier	Rs.86,400 x 5	(No Change)

	of '5'	=Rs.4,32,000/-	
5.	Funeral expenses	Rs.16,500/-	18,150/-
6.	Loss of consortium	Rs.44,000/-	Rs.3,38,800/- (Rs.48,400 x 7)
7.	Loss of Estate	Rs.16,500/-	Rs.18150/-
	Total Compensation	Rs.5,09,000/-	Rs.8,07,100/-

13. The total compensation, therefore, comes to Rs.8,07,100/-. After deducting a sum of Rs.5,09,000/- as assessed by the MACT, the balance compensation comes to Rs.2,98,100/-. 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.

14. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

27.01.2026
ds

Whether speaking/reasoned:Yes/No

Whether reportable:Yes/No