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

FAO-5033-2014 (O&M)

AMARJIT KAUR ......**Appellant**

Vs.

NIRMAL SINGH & ORS. ......**Respondents**

Reserved on:- 24.04.2026
Pronounced on:- 13.05.2026
Uploaded on:- 20.05.2026

Whether only the operative part of the judgment is pronounced? *NO*
Whether full judgment is pronounced? *YES*

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Gaurav, Advocate and
Mr. Sourav Goyal, Advocate for
Mr. Sanjeev Goyal, Advocate
for the appellant.

Mr. Amandeep Singh, Advocate for
Mr. Chanderhas Yadav, Advocate
for respondent Nos.1 and 2.

None for respondent No.3.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred for setting aside the award dated 19.11.2013 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, by the learned Motor Accident Claims Tribunal, Sangrur (for short, 'the Tribunal'), whereby, claim petition filed by the appellants/claimants, was dismissed.

BRIEF FACTS OF THE CASE

2. The brief facts of the case are that the deceased aged about 22 years was doing dairy farming and was a driver by profession and he was

earning Rs.10,000/- per month. On 27.09.2008 at about 10.30 PM he was returning to his village Dugri from Bahanewal on his motorcycle. When he reached near the canal, then a truck bearing registration no.PB-10CG/5371 came in a rash and negligent manner and dashed against the motorcycle of the deceased causing fatal injuries to him. The DDR regarding the accident was lodged with the police by one Jagtar Singh. The postmortem on the dead body of Gursewak Singh was got conducted at L.M. Civil Hospital, Ludhiana. The deceased was the only bread earner and due 10 his untimely demise the claimant has suffered, a lot which cannot be compensated monetarily and she will have to suffer mental agony and harassment throughout her life. Her son has died due to the rash and negligent driving of truck bearing registration No.PB-10CG/5371 by its driver Nirmal Singh, respondent No.1, hence the respondents being driver, owner and insurer of the offending vehicle are liable to pay the compensation jointly and severally.

3. Upon notice of the claim petition, the respondents appeared and filed their separate replies denying the factum of accident/compensation.

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

> *"1. Whether on 27.9.2000, Gursewak Singh had died on account of injuries sustained by him in a motor vehicle accident due to rash and negligent driving of truck bearing registration no.PB-10CG/5371 being driven by respondent no.1 Niraml Singh? OPP*

> *2. If issue no.1 is proved, whether the claimant is entitled for compensation, if so from whom and to what extent? OPP*
> *3. Whether the claim petition is not maintainable in the present form? OPR*
> *4. Relief."*

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim petition. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

6. Learned counsel for the appellant contends that the claim petition was dismissed solely on account of a discrepancy in the registration number of the offending vehicle mentioned in the DDR and the statement of CW2. It is submitted that the Insurance Company never disputed the involvement of the offending vehicle in cross-examination nor suggested that the vehicle had been falsely implicated. Counsel further submits that CW2, while recording the DDR, inadvertently mentioned the registration number of his own scooter, i.e. PB-10-M-7857, and the said error is merely inadvertent. Therefore, he prays that the present appeal be allowed.

7. *Per contra*, learned counsel for respondent Nos.1 and 2-driver and owner of offending vehicle, however, vehemently argues on the lines of the award dated 19.11.2013 and submits that the claim petition has rightly been dismissed by the learned Tribunal. Therefore, he prays for dismissal of the appeal.

8. I have heard learned counsel for the parties and perused the whole record of this case.

9. A perusal of award reveals that the learned Tribunal dismissed the claim petition primarily on the premise that there existed a discrepancy in the registration number of the offending vehicle as reflected in the pleadings and in the testimony of CW2-Krantipal Singh. In the considered opinion of this Court, the said finding is legally unsustainable and contrary to the settled principles governing adjudication of claim petitions under the Motor Vehicles Act.

10. Further perusal of award reveals that the claimant consistently asserted that the accident occurred with truck bearing registration No. PB-10CG-5371 driven by respondent No.1. The testimony of CW2 also unequivocally establishes the occurrence of the accident involving a truck, resulting in fatal injuries to deceased Gursewak Singh. Merely because CW2, while deposing before the Tribunal, mentioned a different registration number, the entire claim case could not have been discarded, particularly in the absence of any effective challenge by the respondents with regard to the involvement of the offending vehicle.

11. Significantly, neither the driver nor the Insurance Company put any suggestion to CW2 in cross-examination that truck No. PB-10CG-5371 was not involved in the occurrence or that the said vehicle had been falsely implanted. In the absence of such challenge, the Tribunal was not justified in drawing an adverse inference against the claimant solely on account of a clerical or inadvertent discrepancy in the vehicle number.

12. The Tribunal further erred in treating the recital in DDR Ex.CW1/B, to the effect that the driver was not negligent, as conclusive proof against the claimant. It is trite that proceedings under the Motor Vehicles Act are summary in nature and negligence is required to be established on the touchstone of preponderance of probabilities and not by applying the strict standards of criminal jurisprudence. Minor inconsistencies or inadvertent errors are insufficient to discredit otherwise reliable ocular evidence.

13. Viewed thus, the findings recorded by the learned Tribunal suffer from misappreciation of evidence and are liable to be set aside. Consequently, it is held that deceased Gursewak Singh died in the motor vehicular accident caused due to rash and negligent driving of truck bearing registration No. PB-10CG-5371 by respondent No.1. The claimant is, therefore, entitled to compensation in accordance with law.

SETTLED LAW ON COMPENSATION

14. Hon'ble Supreme Court in the case of ***Sarla Verma Vs. Delhi Transport Corporation and Another*** **[(2009) 6 Supreme Court Cases 121]**, laid down the law on assessment of compensation and the relevant paras of the same are as under:-

> "***30***. *Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra, the general practice is to apply standardised deductions. Having a considered several subsequent decisions of this Court, we*

are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six.

***31**. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father.*

__32__. Thus even if the deceased is survived by parents and siblings, only d the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third.

* * * * * *

__42.__ We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the table above (prepared by applying Susamma Thomas[3], Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.

15. Hon'ble Supreme Court in the case of ***National Insurance Company Ltd. Vs. Pranay Sethi & Ors.*** **[(2017) 16 SCC 680]** has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

(A) Deduction of personal and living expenses to determine multiplicand;

(B) Selection of multiplier depending on age of deceased;

(C) Age of deceased on basis for applying multiplier;

(D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;

(E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.

The relevant portion of the judgment is reproduced as under:-

"***52.*** *As far as the* ***conventional heads*** *are concerned, we find it difficult to agree with the view expressed in Rajesh[2]. It has granted Rs.25,000 towards funeral expenses, Rs 1,00,000 towards loss of consortium and Rs 1,00,000 towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh Devi, it does not seem to follow the same. The* *conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at* *the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.*

* * * * *

***59.3**. While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.*

***59.4**. In case the deceased was self-employed (or) on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.*

__59.5__. For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paras 30 to 32 of Sarla Verma[4] which we have reproduced hereinbefore.

__59.6.__ The selection of multiplier shall be as indicated in the Table in Sarla Verma[1] read with para 42 of that judgment.

__59.7__. The age of the deceased should be the basis for applying the multiplier.

__59.8__. Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years."

16. Hon'ble Supreme Court in the case of **Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram & Others [2018(18) SCC 130]** after considering **Sarla Verma (supra)** and **Pranay Sethi (Supra)** has settled the law regarding consortium. Relevant paras of the same are reproduced as under:-

"__21__. A Constitution Bench of this Court in Pranay Sethi[2] dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortium. In legal parlance, "consortium" is a compendious term which encompasses "spousal

consortium", "parental consortium", and "filial consortium". The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse.

*21.1. **Spousal consortium** is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of "company, society, cooperation, affection, and aid of the other in every conjugal relation".*

*21.2. **Parental consortium** is granted to the child upon the premature death of a parent, for loss of "parental aid, protection, affection, society, discipline, guidance and training".*

*21.3. **Filial consortium** is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.*

22. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognised that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.

23. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of filial consortium.

> *24. The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under "loss of consortium" as laid down in Pranay Sethi[2]. In the present case, we deem it appropriate to award the father and the sister of the deceased, an amount of Rs 40,000 each for loss of filial consortium.*

17. A perusal of the award reveals that the deceased was a farmer and driver by profession. Since, there is no documentary evidence available regarding the income of the deceased, this Court deems it fit to assess the same in accordance with the minimum wages applicable to skilled labour at the time of accident. As per the minimum wage notification applicable in State of Punjab, the income of the deceased is assessed as **Rs.4,400/-** per month.

18. A further perusal of the award reveals that the deceased was 22 years of age at the time of accident, therefore, the appropriate multiplier would be **18**. Furthermore, as per the facts of the case, the deceased was unmarried, therefore, **1/2** is to be deducted under the head of personal expenditure.

19. A further perusal of the award reveals that the claimants are entitled to amount under the heads of loss of estate, funeral expenses and loss of consortium as per the settled law on compensation.

20. In view of the above, the present appeal is ***allowed*** and appellant/claimant is held entitled to the compensation as calculated below:-

Sr. No.	*Heads*	*Compensation Awarded*
1	Monthly Income	Rs.4,400/-
2	Future prospects @ 40%	Rs.1,760/- (40% of 4400)
3	Deduction towards personal expenditure 1/2	Rs.3,080/- (6,160 X 1/2th)
4	Total Income	Rs.3,080/- (6,160-3,080)
5	Multiplier	18
6	Annual Dependency	Rs.6,65,280/- (3,080 X 12 X 18)
7	Loss of Estate	Rs.15,000/-
8	Funeral Expenses	Rs.15,000/-
9	Loss of Consortium Filial : 1 x 40,000	Rs.40,000/-
10	**Total Compensation**	**Rs.7,35,280/-**

21. So far as the interest part is concerned, as held by Hon'ble Supreme Court in ***Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma*** **2019 ACJ 3176** and ***R.Valli and Others VS. Tamil Nadu State Transport Corporation (2022) 5 Supreme Court Cases 107***, the appellant-claimant is granted the interest @ 9% per annum on the amount from the date of filing of claim petition till the date of its realization.

22. So far as the finding of the learned Tribunal on the issue No.1A and 2A is concerned, which is extracted as under:-

> *"**1A.** Whether respondent no.1 was not holding valid and effective driving licence, if so its effect? OPR*
> ***2A.** Whether respondent no.2 has breached the terms and conditions of the policy, if so its effect? OPR"*

Both the above-mentioned issues were decided against respondent No.3-Insurance Company. Consequently, respondent No.3-

Insurance Company is directed to deposit the amount so calculated along with interest at the rate of 9% with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The Tribunal is directed to disburse the same to the appellant-claimant in her bank account. The appellant-claimant is directed to furnish her bank account details to the Tribunal.

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

13.05.2026 **(SUDEEPTI SHARMA)**
Ayub/Sahil **JUDGE**

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No