

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-373-2016 (O&M)

ANVARI AND ORS.

.....Appellants

Vs.

IQBAL SINGH AND ORS.

.....Respondents

Reserved on: 24.04.2026
Pronounced on: 27.04.2026
Uploaded on: 04.05.2026

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. R.S. Mamli, Advocate
for the appellants.

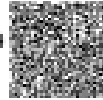
None for respondents No.1 and 2.

Mr. Sahej Mahajan, Advocate
for respondent No.3-Insurance Company.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 11.08.2015 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (in short '1988 Act'), by the learned Motor Accident Claims Tribunal, Chandigarh (in short 'the Tribunal') for enhancement of compensation, granted to the appellants/claimants to the tune of Rs.28,75,080/- on account of death of deceased Rahamdeen in a Motor Vehicular Accident, occurred on 02.04.2015.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration



of the facts of the case is not required to be reproduced here for the sake of brevity.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellants-claimants contends that the compensation granted to the claimants is on the lower side and deserves to be enhanced. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for respondent No.3-Insurance Company contends as under:-

- i. That learned Tribunal has erred in holding that accident occurred due to rash and negligent driving of respondent No.8-driver of offending vehicle;
- ii. That the accident in fact occurred due to contributory negligence of both vehicle.
- iii. That eye witness of the accident stated that he took the deceased to the hospital, however, name of eye witness was not mentioned in the post mortem report.
- iv. That income of deceased was taken on higher side. And submits that the Tribunal has erred in assessing the monthly income of the deceased at Rs.10,200/- by placing reliance upon the wage notification issued by the Deputy Commissioner, Kurukshetra, applicable to skilled labour instead of adopting the minimum wages for skilled labour in the State of Haryana.
- v. That learned Tribunal has erred in taking the age of deceased from post mortem report. And that learned Tribunal has erred in awarding compensation under the heads of loss of care and guidance



and loss of consortium, which is contrary to the settled proposition of law.

vi. That the driver of offending vehicle-respondent No.8, was not holding valid and effective driving licence to drive the offending vehicle at the time of the accident.

vii. That the driving licence of the said driver did not bear the requisite endorsement for driving a transport vehicle.

5. He further points out that the respondents-claimants have already filed a separate appeal, being *FAO-8471-2015*, titled as *“Oriental Insurance Company Ltd. Vs. Anvari and others”* challenging the award of learned Tribunal, therefore, he prays that present appeal be dismissed.

6. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

7. At the very outset, it is pertinent to note that *FAO-8471-2015*, titled as *“Oriental Insurance Company Ltd. Vs. Anvari and others”* filed by the Insurance Company has already been dismissed by this Court vide order of even date detailing therein regarding every aspect of the arguments raised in the present appeal.

8. In view of the above, the present appeal is *allowed*.

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

27.04.2026
Ayub/Sahil

(SUDEEPTI SHARMA)
JUDGE

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