



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

FAO-6467-2015 (O&M)
Date of Decision: 20.03.2026

Paramjit Kaur and othersAppellants

V/s

Nachhatar Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Vivek Suri, Advocate, for the appellants.

Mr. Veerdevinder Singh Sekhon, Advocate,
for respondent No.2

Mr. Mayank Mathur, Advocate,
for respondent No.3-insruance co.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants, who are the widow, minor son and parents of Lakhwinder Singh @ Deepak Gora (since deceased), seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Patiala (for short “the MACT”) vide award dated 29.05.2015 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 Lakhwinder Singh @ Deepak Gora, who expired in a motor vehicular accident which took place on 08.11.2014.

2. The case of the claimants was that on 08.11.2014, Lakhwinder Singh @ Deepak Gora was going on his motorcycle, on the correct left side of the road, from his village Arnoli towards Samana. At about 5:45 A.M., when he reached near village Badanpur, near brick kiln of Raghunath, a bus bearing Regn. No.PB-11-AS-9895 (hereinafter referred to as “the offending vehicle”), being driven by respondent No.1 (Nachhatar Singh), coming from Samana side at a high speed and in a rash and negligent manner, struck

against the motorcycle of Lakhwinder Singh @ Deepak Gora as a result of which, Lakhwinder Singh @ Deepak Gora (hereinafter referred to as “the deceased”) fell on the road along with his motorcycle and sustained multiple and grievous injuries and died on the spot. The occurrence was stated to have been witnessed by Karnail Singh son of Pritam Singh, resident of village Bujrak, Tehsil Samana, District Patiala, and other passersby. Post-mortem examination of the deceased was conducted at Civil Hospital, Samana.

3. FIR No. 284 dated 08.11.2014, under Sections 279, 304-A and 427 of the IPC, was registered at Police Station Samana, District Patiala, on the statement of one Himmat Kumar against respondent No.1.

4. It was averred that at the time of the accident, the deceased was about 32 years old and was hale and hearty. He was stated to have been engaged in agricultural work and was also stated to have been running a milk dairy under the name and style of M/s Deepak Milk Dairy at Majri Road, Samana, earning approximately Rs.50,000/- per month from both sources. He was the sole breadwinner of the family. On account of the untimely death of Lakhwinder Singh @ Deepak Gora, 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.1,00,000/- towards treatment, transportation of the dead body, funeral and last rites. Accordingly, compensation of Rs.1,00,00,000/- (Rupees One Crore only) along with interest at the rate of 18% per annum from the date of accident till realization was claimed.

5. The driver and owner of the offending vehicle (respondents No.1 and 2) filed their joint written statement and denied the factum of the

accident.

6. The insurance company of the offending vehicle (respondent No.3) raised its usual defences in the written statement and denied the factum of the accident.

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

- “1. Whether on 08.11.2014, at about 5:45 a.m. in the area of Village Badanpur near Bricks Kiln of Raghunath, the respondent No.1 Nachhatar Singh drove his bus bearing Registration No.PB-11-AS-9895 in rash and negligent manner and at a high speed and caused the death of Lakhwinder Singh @ Deepak Gora by his aforesaid act? OPP*
- 2. Whether the claimants are entitled to compensation from the respondents on account of death of Lakhwinder Singh @ Deepak Gora, if so, to what extent and interest thereon, if any? OPP*
- 3. Whether the petition is not maintainable in the present form?OPR*
- 4. Whether the claimants have not come to the court with clean hands and have suppressed the true and material facts from the Court?OPR*
- 5. Whether the driver of bus bearing Registration No.PB-11-AS-9895 was not having effective and valid driving license, fitness certificate, RC and route permit at the time of alleged accident? OPR No.3.*
- 6. Whether this Tribunal has got no territorial jurisdiction to try and decide the present claim petition?OPR No.3*
- 7. 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 Lakhwinder Singh @ Deepak Gora had expired had taken place on account of the rash and negligent driving of the driver (respondent No.1) of the offending vehicle. The age of the deceased was assessed as 32 years. His income was assessed as Rs.12,000/- per month and the following compensation was awarded:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	32 years
2.	Income of the deceased	Rs.12,000/- per month
3.	Deduction of 1/4 th towards personal expenses	Rs.3,000/-
4.	Loss of Income	Rs.9000/-
5.	Multiplier of “16”	Rs.9000 x 12 x 16 Rs.17,28,000/-

6.	Funeral expenses, transportation, last rites	Rs.25,000/-
7.	Consortium	Rs.25000/-
8.	Loss of Love and affection	Rs.50,000/-
Total Compensation		Rs.18,28,000/-

10. I have heard learned counsel for the parties.

11. Learned counsel for the appellants has submitted that the MACT erred in assessing the income of the deceased as Rs.12,000/- per month, whereas, it had been claimed that he was an agriculturist and doing dairy farming, earning Rs.50,000/- per month. Learned counsel submits that future prospects were also not granted as held by the Hon’ble Supreme Court of India in the case of *National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009*. It has further been submitted that the amount of compensation awarded towards filial consortium is also inadequate since only Rs.25,000/- was awarded and the same should have been awarded to all the claimants in terms of the judgment of the Hon’ble Apex Court in **Pranay Sethi’s** case (supra). It has been argued that under the heads of loss of estate and funeral expenses, the same should have also been awarded in terms of the decision of the Hon’ble Apex Court in **Pranay Sethi’s** case (supra) and *Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121*.

12. *Per contra*, learned counsel for respondent No.3-insurance company has submitted that there is no illegality in the findings recorded by the MACT. Once there was no proof as regards the income of the deceased, the monthly income was rightly assessed as Rs.12,000/- per month. However, as regards the compensation awarded on account of filial consortium and loss of estate and for funeral expenses, learned counsel has

not deny about the future prospects in terms of the judgment of the Hon’ble Apex Court in the case of **Pranay Sethi** (supra).

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

14. In so far as the income of the deceased is concerned, there was absolutely no evidence to prove that the deceased was earning Rs.50,000/- per month. Under the circumstances, the MACT committed no error in assessing the income of the deceased to be Rs.12,000/- per month. Since the age of the deceased was assessed as 32 years, future prospects @ 40% also deserve to be added to the assessed income of the deceased. In so far as consortium is concerned, the MACT awarded a total sum of Rs.25,000/-. However, in terms of the ratio laid down by the Supreme Court of India in the case of **Pranay Sethi** (supra), filial consortium @ Rs.40,000/- for each of the claimants, is required to be granted. The MACT has granted a consolidated sum of Rs.25,000/- under the heads of loss of estate, funeral expenses. The same also needs to be enhanced in terms of the decision in **Pranay Sethi’s** case (supra).

15. Since the accident had taken place in the year 2014, 10% increase would not be payable on filial consortium, loss of estate and funeral expenses in terms of the judgment of the Hon’ble Apex Court in the case of **Hasina Yasmin & others vs. National Insurance Co. Ltd. and another, (SLP(C)-27285-2025, decided on 17.12.2025)**. 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	32 years	No change
2.	Income of the deceased	Rs.12,000/- per month	Rs.12, 000/- per month (No change)

3.	Future Prospects @ 40%	Not granted	Rs.4800/- per month Total Income Rs.16,800/-
4.	Deduction of 1/4 th towards personal expenses	Rs.3,000/-	Rs.4200/-
5.	Loss of Income	Rs.9000/-	Rs.12,600/-
6.	Multiplier of “16”	Rs.9000 x 12 x 16 Rs.17,28,000/-	Rs.12,600 x 12 x16 Rs.24,19,200/-
7.	Loss of Estate	Rs.25,000/- (consolidated)	Rs.15000/-
8.	Funeral expenses		Rs.15000/-
9.	Consortium	Rs.25000/-	Rs.1,60,000/- (Rs.40,000 x 4)
10.	Loss of Love and affection	Rs.50,000/-	-
Total compensation		Rs.18,28,000/-	Rs.26,09,200/-

16. The total compensation, therefore, comes to Rs.26,09,200/-.

After deducting a sum of Rs.18,28,000/- as assessed by the MACT, the balance compensation comes to **Rs.7,81,200/-**. 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.

17. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

March 20, 2026

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