



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

FAO-4687-2022 (O&M)
Date of Decision: 17.02.2026

Jaspal Kaur and anotherAppellants

V/s

Bhupinder Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Achin Gupta, Advocate and
Mr. Karan Bansal, Advocate, for the appellants.

Ms. Manisha Kumari, Advocate for
Mr. Paramjit Singh Brar, Advocate, for respondent No.1.

Mr. Harsh Aggarwal, Advocate,
for respondent No.3-insurance co.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants, who are the wife and son of Gurdeep Singh (since deceased), seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Faridkot (for short “the MACT”) vide award dated 07.09.2022 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 Gurdeep Singh, who expired in a motor vehicular accident which took place on 03.12.2020.

2. The case of the claimants was that on 03.12.2020, at about 4:25 P.M., Gurdeep Singh was going on his scooter bearing Regn. No.PB-08BA-8442 to his land situated at Jaitu Road, which was being driven by him and when he reached near his fields situated on Jaitu Road, Village Laleana, a bus bearing Regn. No.PB-03-AA-5378 (hereinafter referred to as “the offending vehicle”) came from the side of Jaitu, which was being driven by its driver (respondent No.1-Bhupinder Singh) at a very

high speed and in a rash and negligent manner and hit the scooter of Gurdeep Singh, as a result of which, he fell down on the road. He was being followed by one Yadwinder Singh. The accident was stated to have been witnessed by Gurwinder Singh and Yadwinder Singh. Gurdeep Singh was taken to Civil Hospital, Kotkapura but he died on the way due to the injuries sustained by him in the accident. The driver of the offending vehicle fled from the spot after causing the accident.

3. FIR No.0262, dated 03.12.2020 was registered at Police Station Kotkapura, under Sections 304A, 279, 337, 338 and 427 IPC against respondent No.1.

4. It was averred that Gurdeep Singh was a hale and hearty person. He was having 5 acres of land and used to take 10/12 acres of land on lease and used to cultivate them. It was averred that he was also running a dairy farm and used to sell/supply milk. He was stated to be earning Rs.15,00,000/- per annum from agriculture work and Rs.20,00,000/- per annum from dairy farming. It was pleaded that, in the normal course of events, his income would have increased in future. However, due to his untimely death caused by the accident, the claimants had suffered irreparable loss of financial support, love, and affection. Accordingly, a sum of Rs.40,00,000/- was claimed as compensation along with interest @ 12% per annum from the date of accident till its realization.

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 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:

- which took place on 03.12.2020, due to rash and negligent driving of Bus bearing Regn. No.PB-03-AA-5378 by respondent No.1 Bhupinder Singh ?OPP*
- 2. If issue No.1 is proved, whether the claimants are entitled to seek compensation, if so, to what extent and from which of the respondents?OPP*
- 3. Whether the present claim petition is not maintainable in the present form?OPR*
- 4. Whether the claimants have not come to the Court with clean hands and have concealed the material facts from the Court?OPR*
- 6. Whether respondent No.1, alleged driver of the bus bearing registration No.PB-03-AA-5378 was not having the valid and effective driving licence at the time of alleged accident?OPR.*
- 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 Gurdeep Singh had expired had taken place on account of rash and negligent driving of the driver of the offending vehicle. The age of Gurdeep Singh was assessed as 70 years. His income was assessed as Rs.5,000/- per month and the following compensation was awarded:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	70 years
2.	Income of the deceased	Rs.5,000/- per month
3.	1/3 rd deduction towards personal expenses	Rs.1665/- per month
4.	Total income	Rs.3335/-
5.	Multiplier @ ‘5’	Rs.3335 x 12 x5 Rs.2,00,100/-
6.	Funeral expenses	Rs.15,000/-
7.	Loss of Estate	Rs.15,000/-
8.	Filial Consortium to spouse	Rs.40,000/-
9.	Loss of filial consortium to son	Rs.40,000/-
Total Compensation		Rs.3,10,100/-

10. I have heard learned counsel for the parties.
11. Learned counsel for the appellants has submitted that the

MACT gravely erred in assessing the income of the deceased (Gurdeep Singh) to be Rs.5,000/- per month. It has been submitted that the MACT did not discuss the extensive evidence led by the appellants to prove that Gurdeep Singh was an agriculturist owning 5 acres of land and that he further used to take 12 acres of land on lease and that apart from this, he was running a dairy farm. Learned counsel has referred to the statements of PW-1 (Rajiv Kataria), PW2 (Shubam Garg), PW-4 (Jagtar Singh) and PW-5 (Jaskaran Singh) in this regard. Reference has also been made to the 'J' forms (Exs.P-1 to P-4). Learned counsel submits that apart from this evidence, no evidence could have been led to prove that Gurdeep Singh was an agriculturist and was also running a dairy farm. Learned counsel submits that it is well known that such kind of professions rarely have any documentary proof. Learned counsel submits that the MACT, without giving any reason, assessed the income of Gurdeep Singh as Rs.5,000/- per month, whereas even the minimum wages at the relevant time were Rs.9,000/- per month. Learned counsel submits that minimum monthly income should have been assessed as Rs.20,000/- per month. He further submits that interest should also have been awarded @ 9% per annum on the awarded amount instead of Rs.7.5% per annum. Learned counsel has also submitted that the amount of compensation awarded towards filial consortium is also inadequate since only Rs.80,000/- was awarded. It has been submitted that the same also deserves to be enhanced in terms of the decision of the Hon'ble Apex Court in *National Insurance Company Limited vs. Pranay Sethi and others*, (2017)16 SCC 680. As regards the compensation on account of loss of estate and funeral expenses, it has been submitted that the same also deserves to be enhanced in terms of the decision of the Hon'ble

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 the MACT rightly assessed the income and the compensation payable to the appellants-claimants. He further submits that the evidence of PW-1 is hearsay evidence and cannot be relied upon and apart from the oral evidence produced by the appellants, no other cogent evidence was produced. However, as regards the compensation awarded on account of filial consortium and loss of estate and for funeral expenses, learned counsel has not been able to deny that the same deserves to be enhanced.

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

14. The appellants led extensive evidence to prove that Gurdeep Singh was owner of 5 acres of land and further he used to take 12 acres of land on lease and also that he was running a dairy farm. J forms (Exs.P1 to P4) in the name of Gurdeep Singh (deceased) were produced by PW2 (Shubam Garg). No doubt, no other documentary evidence was produced. However, it has to be borne in mind that the appellants produced 4/5 witnesses, who, on oath, stated that Gurdeep Singh was an agriculturist owning 5 acres of land and he also used to take 12 acres of land on lease and further that he was running a dairy farm. On the contrary, no evidence whatsoever was led by the respondents to rebut this evidence. While it may not be possible to accept the claim of the appellants that the income of Gurdeep Singh was Rs.15 lakhs per annum from agriculture and Rs.20 lakhs from dairy farming, it can also not be accepted that his income was Rs.5,000/- per month. It appears that Gurdeep Singh was a reasonably well

Rs.9191/- per month at the relevant time are also on the lower side. This Court is, therefore, inclined to assess the income of Gurdeep Singh (deceased) at Rs.20,000/- per month, which would come to about Rs.2,40,000/- per annum. It has to be borne in mind that in compensation cases arising out of motor vehicular accidents, certain amount of guess work is also involved and there is absolutely no harm in adopting the same. Out of the income of Rs.20,000/-, 1/3rd would be deductible on account of personal expenses of the deceased, which would come to Rs.6667/- per month. The monthly income, therefore, would come to Rs.13,333/- per month after deducting personal expenses. The annual income, therefore, would come to Rs.1,59,996/-. After applying a multiplier of ‘5’ to the annual assessed income, the income then would come to **Rs.7,99,980/-**. This would be the loss of future income. Apart from this, 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 claimants i.e. **Rs.96,800/-** (for wife and son), is required to be granted. Still further, for funeral expenses and loss of estate, Rs.18,150/- under each head i.e. **Rs.36,300/-**, is also required to be awarded.

15. Accordingly, the compensation enhanced by this Court is as under:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	70 years	No change
2.	Income of the deceased	Rs.5,000/- per month	Rs.20,000/- per month
3.	1/3 rd deduction towards personal expenses	Rs.1665/- per month	Rs.6667/- per month
4.	Total income	Rs.3335/-	Rs.13,333/- p.m. Rs.1,59,996/- p.a.
5.	Multiplier @ ‘5’	Rs.3335 x 12 x5 Rs.2,00,100/-	Rs.1,59,996/- x 5 = Rs.7,99,980/-
6.	Funeral expenses	Rs.15,000/-	Rs.18,150/-

7.	Loss of Estate	Rs.15,000/-	Rs.18,150/-
8.	Filial Consortium to spouse	Rs.40,000/-	Rs.48,400/-
9.	Filial consortium to son	Rs.40,000/-	Rs.48,400/-
Total compensation		Rs.3,10,100/-	Rs.9,33,080/-

16. Coming to the interest, 7.5% interest is adequate if one considers the bank rates. Interest awarded by the MACT was 6% per annum, which is inadequate and, therefore, the rate of interest is held to be 7.5% per annum and shall be paid from the date of presentation of the claim petition.

17. The total compensation, therefore, comes to Rs.9,33,080/-. After deducting a sum of Rs.3,10,100/- as assessed by the MACT, the balance compensation comes to **Rs.6,22,980/-**. 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

February 17, 2026

vcgarg

Whether speaking/reasoned:Yes/No

Whether reportable:Yes/No