

2026:PHHC:353540



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

FAO-4043-2024 (O&M)

Date of Decision: 01.04.2026

Tarsem Singh and another

....Appellants

Versus

Raj Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. C.L. Verma, Advocate, for the appellant.

Mr. Vinod Gupta, Advocate, for respondent No.2.

VIKRAM AGGARWAL, J. (Oral)

The instant appeal has been instituted by the appellants-claimants seeking enhancement in compensation awarded by the Motor Accident Claims Tribunal, Mansa (for short `the MACT'), on account of death of one Roop Chand, who expired in a motor vehicular accident, which took place on 15.08.2009.

2. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short `the MV Act') was instituted by the sons of one Roop Chand. It was pleaded that on 15.08.2009 at about 3.10 PM, the said Roop Chand alongwith his wife Kanta Rani (who had also died in the accident in question) and claimant-Tarsem Chand @ Pappu (who too had received injuries

in the said accident), were coming from Patiala to Mansa in an Indica car bearing registration no. PB-31-E-5902 being driven by Kala Singh @ Jasbir Singh. It was further claimed that a Ford Fiesta car bearing registration No. HR-036-6177 (hereinafter to be referred as 'the offending vehicle'), being driven by respondent no.1 in a rash and negligent manner, came from the side of Cheema and hit the said Indica car. As a result of the same, all the occupants of the India car received serious injuries. Whereas Roop Chand died on the way to the hospital, his wife Kanta Rani died at the spot itself and claimant-Tarsem Chand received multiple serious injuries. FIR No. 149 dated 15.08.2009 was registered under Sections 304 A, 279, 337, 427 IPC at Police Station Sunam.

2.1 It was claimed that at the time of the accident, deceased-Roop Chand was aged 65 years and had been doing the business of running a cotton factory under the name and style of Guru Cotton and Ginning Mills, Mansa. It was further claimed that the deceased was self employed and was having monthly income of Rs.35,000/-. Accordingly, compensation of Rs.20 lakhs was claimed.

3. Respondent No.1 filed written statement denying the factum of accident. It was further asserted that a false FIR had been registered against him. It was, however, claimed that the offending vehicle was insured with the respondent Insurance Company. Rest of the averments made in the claim petition, were denied.

3.1 Respondent No.2-Insurance Company filed its separate written statement averring therein that the Ford Fiesta car bearing registration No. HR-036-6177 was not validly and effectively insured with the said respondent. It was further asserted that the driver of the Ford Fiesta car was not having a valid and effective driving licence. It was further claimed that the claim petition was bad for non-joinder of necessary parties inasmuch as the owner and insurer of the said Indica car were not impleaded. It was further asserted that accident, if any, had taken place due to the negligence on the part of the driver of the said Indica car.

3.2 Respondent no.3 filed its separate written statement taking similar pleas, as were taken by respondent no.1.

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

1. Whether Roop Chand died in a motor vehicle accident caused by rash and negligent driving of Car Ford Fiesta bearing registration No.HR 036 6177 by its driver respondent Raj Kumar on 15.08.2009, at about 3:10 pm in the area of village Sheron Kanchian, Sunam?OPA

2. Whether claimants are entitled to compensation, if so, to what amount and from whom?OPA

3. Whether the petition is bad for non-joinder of necessary parties? OPR

4. Whether driver of the car i.e. respondent No.1 Raj Kumar was not holding valid driving licence at the time of alleged accident, if so, its effect?OPR-3

5. Whether owner/insured of the offending car has violated the terms and conditions of insurance policy? If so, its effect?OPR-2

6. Relief.

5. Parties led their respective evidence.
6. Vide award dated 29.07.2024, the MACT allowed the petition filed by the claimants, awarding the following compensation:-

Sr. No.	Heads	Calculation (in Rs.)
i)	Age	68 years
ii)	Income	Rs.28,066/- p.m.
iii)	1/3 of the (ii) deducted as personal expenses per month of the deceased	Rs.28,066-Rs.9,355/- =18,710/-
iv)	Compensation after multiplier of 5 is applied	(Rs.18,170x12x5) = Rs.11,22,600/-
v)	Loss of estate	Rs.18,150/-
vi)	Loss of consortium	(Rs.48,400/- x 2) =Rs.96,800/-
vii)	Funeral expenses	Rs.18,150/-
	Total compensation awarded	Rs.12,55,700/-

7. I have heard learned counsel for the parties.
8. Learned counsel for the appellants has argued that claimant-Tarsem Chand, while appearing as PW1, categorically deposed that the age of his father was 65 years and no evidence had been led by the other side to disprove the said fact. It is further argued that from the said evidence, it clearly stood proved on record that the age of the deceased was 65 years, but the MACT wrongly determined it as 68 years. It is further argued that once the age of the deceased was proved to be 65

years, the multiplier of 7 ought to have been applied and compensation ought to have been awarded accordingly.

9. Per contra, learned counsel appearing for respondent No.2-Insurance Company, while defending the impugned award, has argued that there is no illegality in the findings recorded by the MACT. It is further argued that the age of the deceased could not have been determined on the basis of mere bald statement of claimant-Tarsem Chand and the same was rightly determined by the MACT, for, in the post mortem report, the age of the deceased was mentioned as 68 years.

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

11. There is no denying the fact that in the post-mortem report dated 16.08.2009 (Exhibit P.2), the age of deceased-Roop Chand was mentioned as 68 years. Though, claimant-Tarsem Chand, while appearing as PW1, had deposed that the age of his father was 65 years, yet the fact remains that no documentary evidence had been produced on record to substantiate the said fact. At no point of time, was any effort made on the part of the claimants to disprove the said fact. Still further, it was not the case of the claimants that the age of the deceased was wrongly mentioned as 68 years in the post mortem report. Merely because Tarsem Chand had stated in his testimony that the age of his father was 65 years is, thus, no ground to hold that the MACT committed any illegality in coming to the conclusion that the age of the deceased was 68 years. The burden to prove the

age of the deceased was upon the claimants and such burden was not properly discharged by them. Thus, in the considered opinion of this Court, the MACT did not commit any illegality in holding the age of the deceased as 68 years and applying the multiplier of 5, while awarding compensation.

12. In view of the above, finding no merit in the present appeal, the same is hereby dismissed

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

(VIKRAM AGGARWAL)
JUDGE

01.04.2026
ds

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