



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

FAO-5452-2024 (O&M)
Date of Decision: 27.02.2026

Ashok Kumar and others

....Appellants

V/s

Gurdarshan Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Pranav Chadha, Advocate, for the appellants.
Mr. Gopal Mittal, Advocate, for respondent No.4-insurance co.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants, who are the parents, sister and minor brother of one Simran Kumari (since deceased), seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, SAS Nagar (for short “the MACT”) vide award dated 09.05.2024 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 Simran Kumari, who expired in a motor vehicular accident which took place on 22.10.2020.

2. The case of the claimants was that on 22.10.2020, Simran Kumari had gone to attend an interview at IDBI Bank through an outsourcing agency at Zirakpur, District SAS Nagar (Mohali). After the interview, she telephonically contacted her friend, Kamlesh son of Suresh Kumar, to pick her up from Metro Mall, Zirakpur and drop her at her residence in Village Raipur Khurd, U.T. Chandigarh. Accordingly, the deceased was coming back from Zirakpur towards her house as a pillion rider on Activa Scooter bearing registration No.CH-01-AX-1384, which was being driven by Kamlesh. When they reached the Chandigarh–Ambala

Flyover at Zirakpur, a CTU Bus bearing registration No.CH-01-GA-8120 (hereinafter referred to as “the offending vehicle”), being driven by respondent No.1 (Gurdarshan Singh), came from behind at a very high speed and in a rash and negligent manner, without blowing any horn, and struck against the scooter from the rear side. As a result of the same, Simran Kumari fell on the right side of the road and was run over by the front tyre of the said bus, which crushed her head, leading to her death at the spot. It was averred that the accident had taken place solely due to the rash and negligent driving of the offending bus by respondent No.1.

3. FIR No.402 dated 22.10.2020 under Sections 279/304A IPC was registered against respondent No.1 at Police Station Zirakpur.

4. It was averred that Simran Kumari was hale and hearty. It was averred that at the time of accident, she was 23 years old. It was averred that she was working in a private company at Ludhiana and was earning Rs.22,000/- per month. However, due to her untimely death caused by the accident, the claimants had suffered irreparable loss of financial support, love, and affection. Accordingly, compensation of Rs.1 crore along with interest from the date of accident till its realization was claimed.

5. The driver of the offending vehicle filed his written statement and denied the factum of the accident.

6. The owners (respondents No.2 and 3) of the offending vehicle filed their joint written statement and denied the factum of the accident.

7. Respondent No.4, insurance company of the offending vehicle raised its usual defences and denied the factum of the accident.

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

“1. Whether Simran Kumari died in a road side accident caused by respondent No.1 while driving vehicle Bus bearing No.CH-01-GA-8120

in a rash and negligent manner?OPP

2.

Whether the claim petition is not maintainable?OPR
3.

Whether the claimants are entitled to receive compensation as prayed for? If so, to what extent and from whom?OPP
4.

Whether the respondent No.1 being driver of the above said vehicle was not holding valid and effective driving license, route permit and fitness certificate at the time of accident?OPR-4
5.

Whether the respondent No.1 had committed breach of terms and conditions of the insurance policy, if so, its effect?OPR-4
6.

Relief.”

9. Parties led their respective evidence.
10. 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 Simran Kumari had expired had taken place on account of the rash and negligent driving of the driver of the offending vehicle. The age of Simran Kumari was assessed as 22 years. Her income was assessed as Rs.9,000/- per month and the following compensation was awarded:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	22 years
2.	Income of the deceased	Rs.9,000/- per month
3.	Future Prospects @ 40%	Rs.3600/- per month
4.	Total income	Rs.12600/-
5.	½ deduction towards personal expenses	Rs.6300/-
6.	Multiplier of “18”	Rs.6300 x 12 x 18 =Rs.13,60,800/-
7.	Funeral expenses	Rs.15,000/-
8.	Loss of Estate	Rs.15,000/-
9.	Loss of Consortium	Rs.40,000/-
Total Compensation		Rs.14,30,800/-

11. I have heard learned counsel for the parties.
12. Learned counsel for the appellants has submitted that the MACT erred in assessing the income of the deceased (Simran Kumari) as Rs.9,000/- per month, whereas, it had been claimed that she was earning Rs.22,000/- per month. It has further been submitted that the amount of compensation awarded towards filial consortium is also inadequate since

Rs.40,000/- was awarded only to one claimant and the same should have been awarded to all the claimants. Under the heads of loss of estate and funeral expenses, it has been submitted that the same should have 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.***

13. *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 work being done by the deceased, the monthly income was rightly assessed as Rs.9,000/- 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 been able to deny that the same deserves to be enhanced.

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

15. In so far as the income of the deceased is concerned, there was absolutely no evidence to prove that the deceased (Simran Kumari) was earning Rs.22,000/- per month. In the considered opinion of this Court, the MACT rightly assessed the notional income of the deceased. The MACT has awarded a total sum of Rs.40,000/- towards consortium qua one claimant only. However, in terms of the ratio laid down by the Supreme Court of India in the case of **Pranay Sethi** (supra), filial consortium @ Rs.44,000/- for each of the claimants, is required to be granted. Since the accident had taken place in the year 2020, 10% increase would 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.***

on 17.12.2025) keeping in view the ratio of law laid down in **Pranay Sethi’s** case (*supra*).

16. 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	22 years	22 years
2.	Income of the deceased	Rs.9,000/- per month	No change
3.	Future Prospects @ 40%	Rs.3600/- per month	No change
3.	Total income	Rs.12600/-	No change
4.	½ deduction towards personal expenses	Rs.6300/-	No change
5.	Multiplier of “18”	Rs.6300 x 12 x 18 =Rs.13,60,800/-	No change
6.	Funeral expenses	Rs.15,000/-	Rs.16500/-
7.	Loss of Estate	Rs.15,000/-	Rs.16500/-
8.	Loss of Consortium	Rs.40,000/-	(Rs.1,76,000/- (Rs.44000/- x 4)
Total Compensation		Rs.14,30,800/-	Rs.15,69,800/-

17. The total compensation, therefore, comes to Rs.15,69,800/-. After deducting a sum of Rs.14,30,800/- as assessed by the MACT, the balance compensation comes to Rs.1,39,000/-. 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 27, 2026

vcgarg

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No