



**Sr. No.127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-751-CII-2019
CM-753-CII-2019 in/and
FAO-230-2019 (O&M)
Date of decision: 14th May 2026**

SAVITRI AND OTHERSAppellants

versus

JAI BHAGWAN AND OTHERSRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Garvit, Advocate for
Mr. Sandeep Goyat, Advocate
for the applicants-appellants.

Mr. Parunjeet Singh, Advocate
for respondent No.3-Insurance Company
(through video conferencing).

HARPREET KAUR JEEWAN, J. (ORAL)

CM-751-CII-2019

Allowed as prayed for. Delay of 47 days in filing the main
appeal is condoned.

CM stands disposed of.

Main case

1. The present appeal has been preferred by the appellants-
claimants aggrieved against the quantum of compensation awarded by the
Motor Accident Claims Tribunal, Rohtak(*hereinafter referred to as 'the
Tribunal'*), vide Award dated 08.05.2018.

2. As per the brief facts, on 27.03.2017, at about 7:30 PM, the
motorcyclist/deceased was returning to his house on a motorcycle bearing
Registration No.HR-15C-4611. When he reached in the area of Indus Public



School, G.T. Road, Meham from Bhani Mato Road, he was hit by a Jeep bearing Registration No.HR-61B-0219, which was being driven by Jai Bhagwan-respondent No.1. The motorcyclist sustained multiple injuries and he was shifted to PGIMS, Rohtak. Thereafter, he was shifted to Kinosh Hospital, Rohtak. Ultimately, he succumbed to the injuries sustained by him in the said accident.

3. The appellants, who are the wife, son, daughter and mother of the deceased, filed a claim petition, which was contested by the driver, owner and Insurance Company of the Jeep.

4. The Tribunal observed that there was contributory negligence on the part of the motorcyclist as well as the jeep driver. Regarding the quantum of compensation, the Tribunal observed the age of the deceased as 53 years, considered the income of the deceased as Rs.7,500/- per month and determined the compensation as Rs.8,87,080/-. The appellants-claimants were held entitled to 50% of the said amount and they were awarded a sum of Rs.5,81,368/-. The details of the compensation determined by the Tribunal are as under:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.7,500/-
2.	Future prospects @ 10%	[Rs.7,500 + 750] = Rs.8,250/-
3.	Deductions (1/4 th)	[Rs.8,250 – Rs.2,063] = Rs.6,187/- (Taken as Rs.6,190)
4.	Multiplier of ‘11’	[Rs. 6,190X 11] = Rs.68,090/-
5.	Annual income	[Rs.68,090 X 12] = Rs.8,17,080/-
6.	Loss of Estate	Rs.15,000/-
7.	Consortium	Rs.40,000/-
8.	Funeral Expenses	Rs.15,000/-
9.	Medical Expenses	Rs.2,75,657/-
7.	Total Compensation	Rs.11,62,737/-
	50%	Rs.5,81,368/-
	Interest	9% per annum



Negligence:-

5. Learned counsel for the appellants contends that the Tribunal has wrongly held that there is contributory negligence on the part of the deceased. No deduction in the compensation should have been made on this ground.

6. *Per contra*, learned counsel for respondent No.3-Insurance Company contends that there is an ample evidence on record to prove contributory negligence on the part of the deceased/motorcyclist. It is further contended that such findings of the Tribunal require no interference.

6.1. The Tribunal had recorded the following reasons while holding the deceased-driver of the motorcycle equally liable for the accident:-

“xxx xxx xxx xxx

14. After hearing learned counsel for the parties and going through the evidence on the file, I am of the considered opinion that it was a case of contributory negligence. The road on which the accident took place is national highway. In the site plan Ex.R1 point A as shown therein is the place where the accident took place. It appears that the offending vehicle was going on the main road and it was the deceased, who while driving the motorcycle approached the main road. It was the duty of the deceased to see that the national highway was clear of the traffic. The deceased should have waited for the traffic already going on the national highway to have crossed. Similarly, the accident would not have taken place, if respondent No.1 would have been cautious and vigilant while driving on national highway and at the time approaching the approach road. Keeping in view the negligence on the part of the deceased as well as respondent No.1, accident took place, this Tribunal is of the considered opinion that the accident occurred on account of equal contributory negligence of both of them. In *Sarjito Devi and others Versus Jaswinder and others*, 2017(4)188, *The Punjab Law Reporter*-827 also, the deceased while driving the motorcycle approached the main road. Contributory negligence of 50% was held by our Hon'ble High Court.

xxx xxx xxx xxx”



7. Learned counsel for the appellants could not point out any oral or documentary evidence to controvert the aforesaid findings recorded by the Tribunal. The site plan Ex.R-1, recorded by the Tribunal, was prepared by the Investigating Officer by doing spot inspection, which clearly indicates that the accident had taken place on a National Highway and that too, when the motorcyclist tried to enter the main road. In such circumstances, the findings of the Tribunal that it was also the duty of the motorcyclist to remain vigilant while entering the main road, require no interference. As such, the Tribunal has rightly held the motorcyclist equally responsible and liable for the said accident on the basis of contributory negligence.

Quantum of Compensation:-

8. Learned counsel for the appellants contends that the monthly income of the deceased has not been rightly assessed and Consortium has not been awarded to all the appellants-claimants.

9. *Per contra*, learned counsel for respondent No.3-Insurance Company did not dispute the fact that Consortium should have been awarded to all the appellants.

10. I have considered the aforesaid submissions and perused the evidence on record.

11. The Tribunal has considered the income of the deceased as Rs.7,500/- per month. It is the case of the appellant-claimants that the deceased was 53 years of age at the time of the accident. He was an Agriculturist and he was also doing dairy farming. He used to earn Rs.30,000/- per month. Though, there is no documentary evidence on record



to prove that the income of the deceased is Rs.30,000/- per month, however, as per the Notification issued by the State of Haryana bearing No.I.R-2/7083-7193 dated 02.03.2017, the minimum wages for an unskilled worker is Rs.8,280/-, which is to be treated as the monthly income of the deceased since there is no documentary evidence on record regarding his income.

12. The Tribunal has only awarded a sum of Rs.40,000/- on account of Consortium, which is on the lower side. Also, all the appellants, who are the widow, son, daughter and mother of the deceased, are entitled to Consortium. The claimants are also entitled to receive the whole medical expenses incurred upon the treatment of the injured, who ultimately died. Such expenses have been proved by way of bills Ex.P-5 and Ex.P-6, amounting to Rs.2,03,610 and Rs.72,047.83/- (Total = Rs.2,75,658/-).

13. Consequently, the compensation awarded by the Tribunal is reworked as under:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.8,280/-
2.	Future prospects @ 10%	[Rs.8,280 + 828] = Rs.9,108/-
3.	Deductions (1/4 th)	[Rs.9,108 – Rs.2,277] = Rs.6,831/-
4.	Multiplier of ‘11’	[Rs. 6,831 X 11] = Rs.75,141/-
5.	Annual income	[Rs.75,141 X 12] = Rs.9,01,692/-
6.	Loss of Estate	Rs.18,000/-
7.	Consortium	Rs.48,000/- X 4 = Rs.1,92,000/-
8.	Funeral Expenses	Rs.18,000/-
	Total	Rs.11,29,692/-
	50% of total compensation assessed	Rs.5,64,846/-
9.	Medical Expenses (as per medical bills)	Rs.2,75,658/-
	Total Compensation Awarded	Rs.8,40,504/-
	Interest	7.5% per annum on excess amount



14. The amount in excess of the amount awarded by the Tribunal shall attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount. However, the appellants-claimants shall not be entitled to any interest for the period of delay in filing the main appeal.

15. In view of the decision by the Hon'ble Supreme Court in "Parminder Singh vs. Honey Goyal & Ors.", 2025 INSC 361, after calculation of the enhanced amount, the same shall be transferred by respondent No.3-Insurance Company in the Bank Accounts of the claimants-appellants within a period of 06 weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimants-appellants to respondent No.3-Insurance company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

16. In view of the above discussion, the present appeal is **partly allowed** and the Award passed by the Tribunal is modified accordingly.

17. Pending miscellaneous applications, if any, stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

14th May 2026
simran

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