



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-580-2012 (O&M) &
XOBJC-64-CII-2018

PRTC

..Appellant

Versus

MAMTA RANI AND ORS.

..Respondent

Reserved on: 12.05.2026
Pronounced on: 14.05.2026
Uploaded on: 19.05.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Anupam Singla, Advocate
Ms. Deepika Bagri, Advocate
for the appellant.

Mr. Rishav Jain, Advocate
Mr. Shivaly Singla, Advocate
Ms. Tanya Kumar, Advocate
for respondents No.1 and 2.

SUDEEPTI SHARMA, J.

FAO-580-2012

1. The present appeal has been filed by the appellant/owner of the offending vehicle against the award dated 08.11.2011 passed in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal'), wherein the appellant/owner of the offending vehicle was fastened with the liability to pay the compensation to the claimants/respondents No.1 and 2 as well as quantum of compensation being on higher side.



XOBJC-64-CII-2018

2. The present cross-objections have been preferred by cross-objector/claimants against the award dated 08.11.2011 passed by the learned Motor Accident Claims Tribunal, Patiala in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, for enhancement of compensation, granted to them to the tune of Rs.6,13,664/- along with interest @ 7.5 % per annum on account of death of Saurav and injuries sustained by claimant-Mamta in a Motor Vehicular Accident.

CM-6475-CII-2018

3. This is an application filed under Section 5 of the Limitation Act, 1963 for condoning the delay of 2042 days in filing the cross-objections/cross-appeals.

4. Learned counsel for the applicant/claimant/cross-objectors submitted that the delay occurred unintentionally and due to bona fide reasons. It was further contended that the claimant should not be deprived of the opportunity to pursue the matter on merits merely on account of procedural delay. He furthermore, prays that he will not ask for interest for delayed period. Therefore, it was prayed that the present application be allowed in the interest of justice.

5. On the other hand, learned counsel for the non-applicant/appellant opposed the application and argued that the delay of 2042 days is inordinate and has not been satisfactorily explained. It was contended that the claimant ought to have remained vigilant regarding his legal rights and should have preferred the cross-objections within the prescribed period of limitation.



6. Accordingly, prayer was made for dismissal of the present application.

7. I have heard learned counsel for the parties and carefully perused the record as well as the contents of the application.

8. This Court is of the considered view that the claimant/cross-objectors should not be denied the right to seek adjudication of his claim merely on technical grounds, particularly when the Motor Vehicles Act, 1988 is a beneficial piece of legislation enacted for the welfare of claimants. The approach of the Court in such matters should be liberal so as to advance substantial justice.

9. In view of the aforesaid circumstances, and considering the facts and circumstances of the case, the present application for condonation of delay is allowed subject to the condition that cross-objector will not be entitled to interest on delayed period (2042 days).

10. The delay of 2042 days in filing the cross-objections/cross-appeal is condoned.

BRIEF FACTS OF THE CASE

11. Brief facts of the case are that that on 10.11.2009 Jasvinder Kumar along with his wife-Mamta, minor son Saurav and daughter Monika had gone to Village: Lung, Near Patiala to attend the marriage in Car bearing Registration No. CH-0-4-2672 make Sentro which was being driven by said Jasvinder Kumar himself. When they were returning there from and reached opposite to Church on Patiala-Rajpura Road in the area of Village: Khadoli, it was about 04:15 P.M. then bus bearing Registration No. PB-11-AK-8380 driven by Harpreet Singh in a rash and negligent manner and without caring



for safety of other, had struck the Bus against the car. At that time, Gurdeep Singh, Sarpanch was following the car driven by Jasvinder Kumar on separate Car who had witnessed the accident. As a result of the accident, the occupants of the Car had suffered serious injuries. Unfortunately minor-Saurav died in the said accident whereas Jasvinder Kumar, his wife and daughter suffered serious injuries. They were initially shifted to AP Jain Hospital, Rajpura then referred to PGI Chandigarh.

12. Upon notice of the claim petition, respondents therein appeared and contested the claim petition by filing separate written statement denying the factum of accident/compensation.

13. From the pleadings of the parties, the Tribunal framed the following issues:-

“(1) Whether Saurav had died in an accident caused by respondent No. 2 while driving bus bearing registration No. PB-11-AK-8380 rashly and negligently on 10.11.2009 as alleged? OPP

(2) Whether the claimants are entitled to compensation, if so to what amount? OPP

(2A) Whether claimant Mamta Rani suffered bodily injury in a motor vehicular accident due to rash and negligent driving of bus bearing registration No.PB-11AK-8350 which took place on 10.11.2010 by respondent No. 2 Harpreet Singh? OPP

(3) Relief.”

14. Thereafter, both the parties led their evidence in support of their respective pleadings.

15. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimants.



However, the appellant-owner of the offending vehicle was held liable to pay compensation. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:

16. Learned counsel for the appellant-PRTC contends that the learned Tribunal erred in holding that the accident occurred solely due to the negligent driving of driver of the offending vehicle. He further argues that the Tribunal failed to properly appreciate the testimony of driver. Additionally, he submits that the compensation awarded is on the higher side and that the age of parents ought to be taken into consideration while applying the multiplier. Therefore, he prays that the present appeal be allowed.

17. Per contra, learned counsel for respondent Nos.1 and 2 (cross-objectors) contends that the learned Tribunal has rightly concluded that the accident occurred solely due to the rash and negligent driving of the driver of offending vehicle. He further argues that the awarded compensation is on the lower side and warrants enhancement. Further that respondents have filed Cross-Objection No. 64-CII-2018 seeking enhancement. He, therefore, prays that the present appeal be dismissed and the cross-objection be allowed.

18. I have heard learned counsel for the parties and perused the whole record of the case with their able assistance.

19. A perusal of the award shows that the findings recorded by the learned Tribunal on Issue No.1 are based upon proper appreciation of oral as well as documentary evidence and do not warrant any interference by this Court. It is a settled proposition of law that proceedings under the Motor Vehicles Act are summary in nature and strict rules of evidence are not



required to be applied. The claimants are only required to establish their case on the touchstone of “preponderance of probabilities” and not beyond reasonable doubt as is required in a criminal trial.

20. In the present case, the claimants successfully discharged the said burden by examining Mamta Rani (PW-1) and Gurdeep Singh (PW-2), who are eye-witnesses to the occurrence. Both the witnesses consistently deposed that the accident occurred due to rash and negligent driving of Bus No. PB-11-AK-8380 by respondent No.3-Harpreet Singh. Their testimonies remained cogent, trustworthy and consistent on all material particulars. Despite detailed cross-examination, nothing substantial could be elicited to discredit their version. Mere suggestions put in cross-examination, without any supporting evidence, are of no evidentiary value.

21. Significantly, PW-1 Mamta Rani herself was an injured witness in the same accident. She lost her minor son Saurav in the occurrence, whereas her husband Jaswinder Kumar suffered grievous injuries resulting in 100% permanent disability. The testimony of an injured eye-witness carries greater evidentiary sanctity, as ordinarily such a witness would not shield the real culprit and falsely implicate another person.

22. The ocular account furnished by the claimants further stands corroborated by contemporaneous documentary evidence in the shape of FIR Ex.P1, which was promptly registered on the statement of PW-2 Gurdeep Singh specifically attributing rash and negligent driving to respondent No.3. It is well settled that though an FIR is not substantive evidence, yet prompt registration thereof lends assurance to the version put forth by the claimants. More importantly, respondent No.3 himself admitted during cross-



examination that he is facing criminal prosecution before the learned Judicial Magistrate Ist Class, Rajpura in respect of the same accident. He further admitted that the offending bus as well as his driving licence had been taken into possession during investigation. Such admissions materially support the case of the claimants and probabalise the involvement of the offending vehicle in the accident.

23. The defence sought to be raised by respondent No.3 is wholly inconsistent and unreliable. While initially denying the accident with the bus in question, he subsequently admitted his presence at the relevant time and place and also admitted pendency of criminal proceedings arising out of the same occurrence. No convincing evidence has been produced by the respondents to rebut the consistent and reliable evidence led by the claimants.

24. Thus, applying the settled principle of preponderance of probabilities, this Court is of the considered view that the learned Tribunal has rightly concluded that the accident took place due to rash and negligent driving of Bus bearing registration No. PB-11-AK-8380 by respondent No.3- Harpreet Singh. The findings so recorded are based on sound appreciation of evidence and call for no interference. Accordingly, the findings returned by the learned Tribunal under Issue No.1 are affirmed.

25. Adverting to the contention of learned counsel for the appellant regarding the quantum of compensation being on higher side, this Court is of the opinion that the amount of compensation awarded by the learned Tribunal on the account of death of Saurav (minor) and on account of



injuries sustained by the claimant-Mamta is on the lower side, therefore, this Court deems it fit to recalculate the same.

COMPENSATION TO BE AWARDED ON ACCOUNT OF DEATH OF SAURAV:

26. A perusal of the impugned award reveals that deceased Saurav was 14 years old at the time of accident and was studying in 7th standard. The learned Tribunal have erred in determining the monthly income of the deceased as Rs.1,500/- per annum as the same is on lower side. Therefore, this Court deems it fit to recalculate the same.

27. It is by now a well-settled and consistently reiterated principle of law that the death or permanent disability of a minor child in a motor vehicle accident cannot be equated with that of a non-earning individual for the purposes of computing compensation. The reason is obvious: a child, by virtue of tender age, is not engaged in gainful employment and, therefore, any rigid categorization as a “non-earner” would not only be artificial but would also defeat the very object of just compensation under the Motor Vehicles Act, 1988.

28. In such cases, the proper course for determination of compensation under the head of “loss of income” is to adopt, at the very least, the minimum wages notified for a skilled worker in the State concerned at the relevant time. The Hon’ble Supreme Court has, in categorical terms, laid down this principle in ***Kajal v. Jagdish Chand & Ors. [(2020) 4 SCC 413]*** and ***Baby Sakshi Greola v. Manzoor Ahmad Simon & Anr. [2024 SCC OnLine SC 3692]***, wherein it was held that a potential of minor and future prospects cannot be curtailed by treating him/her as a non-



earner, and the yardstick of minimum wages of a skilled worker is the just and reasonable benchmark.

29. The same view was recently reiterated in ***Hitesh Nagjibhai Patel Vs. Bababhai Nagjibhai Rabari & Anr, 2025 INSC 1070***, the relevant portion of the same is reproduced as under:-

*“9. On the aspect of monthly income of the minor appellant, we are inclined to interfere with the judgment and order of the Courts below. In the present case, it is evident that the Courts below have failed to take into account the monthly income of the appellant while determining the quantum of compensation. It is now a well-entrenched and consistently reiterated principle of law that a minor child who suffers death or permanent disability in a motor vehicle accident, cannot be placed in the same category as a non-earning individual for the purposes of assessing the amount of compensation because the child was not engaged in gainful employment at the time of the accident. In such a case, the computation of compensation under the head of loss of income ought to be made by adopting, at the very least, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises. The said observation was rendered by this Court, in ***Kajal v. Jagdish Chand and Ors., (2020) 4 SCC 413***, and ***Baby Sakshi Greola v.****



*Manzoor Ahmad Simon and Anr., 2024 SCC Online SC
3692.*

10. Adverting to the facts at hand, the appellant was an 8-year-old child at the time of the accident. In view of the above exposition of law, we must advert to the prevailing minimum wages, which for the skilled ones, as in the year of accident, i.e., 2012, in Gujarat would be Rs.227.85p. per day, therefore, in the interest of justice, we deem it appropriate to determine the income of the appellant as Rs.6,835.5p. per month, rounding off to Rs.6,836/- per month.”

30. Applying the aforesaid ratio to the present case, the monthly notional income of the deceased Saurav, is accordingly assessed at **Rs.4,000/- per month**, being the minimum wages of a skilled worker as notified for the relevant period in the State of Punjab.

31. So far as the contention of learned counsel for the appellant with respect to age of parents ought to be taken into consideration while applying the multiplier is concerned, the same is no more *res integra* in view of the law laid down by Hon’ble The Supreme Court in ***Hitesh Nagjibhai’s case (supra)***. It is revealed from the record that the learned Tribunal has erred applying the multiplier of **15** instead of **18**. The said approach is contrary to the settled position of law laid down by the Hon’ble Supreme Court in ***Hitesh Nagjibhai’s case (supra)***. Therefore, considering the age of the minor and judgment referred to above the correct multiplier should be **18**.



32. A further perusal of the award reveals that the learned Tribunal has erred in not awarding any amount towards future prospects to the income of the deceased. Therefore, as per the settled law on compensation **40%** is to be added as future prospects.

33. A further perusal of the award reveals that the learned Tribunal has erred in not deducting anything for personal expenditure. Considering the facts that the deceased was unmarried, 1/2 should be deducted towards personal expenditure, as per the settled law.

34. A further perusal of the award reveals that meager amount is granted by the learned Tribunal under the heads of loss of estate and funeral expenses. Furthermore, no amount is awarded for the loss of consortium. Therefore, the award requires indulgence of this Court.

35. Consequently, as per the settled principles of law as laid down by Hon’ble Supreme Court as mentioned above, the respondent No.1 and 2/claimants are held entitled to the enhanced amount of compensation as calculated below:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Compensation Awarded</i>
1	Monthly Income	Rs.4,000/-
2	Future prospects @ 40%	Rs.1,600/- (40% of 4,000)
3	Deduction towards personal expenditure 1/2	Rs.2,800/- (5,600 X 1/2)
4	Total Income	Rs.2,800/-(5600-2800)
5	Multiplier	18
6	Annual Dependency	Rs.6,04,800/- (2,800X12X18)
7	Loss of Estate	Rs.15,000/-
8	Funeral Expenses	Rs.15,000/-
9	Loss of Consortium	Rs.80,000/-



	Filial : 2 x Rs. 40,000/-	
10	Total Compensation	Rs.7,14,800/-
11	Deduction Amount Awarded by the Tribunal	Rs.1,85,000/-
12	Enhanced amount	Rs.5,29,800/-(7,14,800-1,85,000)

COMPENSATION TO BE AWARDED TO THE CLAIMANT-MAMTA

36. A perusal of the impugned award reveals that the claimant/respondent No.1 was stated to be a housewife at the time of accident. The learned Tribunal arbitrarily assessed the monthly income of the claimant at merely ₹6,000/-, which is wholly inadequate, unjustified, and contrary to the evidence available on record. The assessment made by the learned Tribunal is excessively low and fails to take into consideration the nature of the avocation and earning capacity of the injured-housewife. This Court deems it fit to reassess the same on the basis of role of a housewife.

37. This Court in **FAO-1292-2006, titled as ‘Jasbir Singh and another Vs. Surjit Singh and others’, decided on 22.03.2018** while assessing the notional income of the housewife has held as under:-

*“In FAO No. 218 of 2014, a co-ordinate Bench of this Court, while relying upon the principles laid down in **Lata Wadhwa and others v. State of Bihar and others 2001(4) RCR(Civil) 673**), made the following observations:-*

“Learned counsel for the appellant has argued that even while noticing that the income of a skilled worker in 2012 was approximately Rs.8000/- the Tribunal has wrongly assessed the income of the deceased as Rs.9000/-. As per him once the notional income had been taken a deduction had to be made for personal expenses. This argument is



flawed. In Lata Wadhwa and others v. State of Bihar and others reported as 2001(4) RCR (Civil) 673 (where the accident had taken place in 1981) the Hon'ble Supreme Court evaluated the contribution of a house wife at Rs.3000/-per month. The accident in the present case took place after 23 years. In my considered opinion to tag a house wife as a 'skilled worker' alone does not do complete justice to her multifarious role as a home manager. Keeping in view the lapse of 23 years between the accident in the case of Lata Wadhwa and the present accident and my conclusion that a house wife is something more than a mere skilled worker it would not be unreasonable to estimate the contribution of the deceased in the present case at a higher figure. On the whole I see no reason for reducing the quantum."

7. I find sufficient reason to follow the judgment in FAO No. 218 of 2014, particularly as I am informed that the Special Leave Petition (SLP) filed against the order in this case has been dismissed by the Hon'ble Supreme Court. Similarly, the SLP filed in the other case cited by the appellants has also met the same fate. Consequently, these orders have attained finality, leaving no scope for further dispute regarding their binding nature.

8. It is imperative to acknowledge the multifaceted role of a housewife as a homemaker. Her contributions extend beyond measurable economic parameters, encompassing household management, child care, emotional support, and the upkeep of familial stability. These services, though often unrecognized in monetary terms, are invaluable to the functioning and well-being of a household. In assessing compensation, the court must factor in this indispensable contribution, which would



otherwise necessitate considerable expenditure if outsourced. In view of the above, it is just and reasonable to determine the monthly income of the deceased Charanjit Kaur, housewife at Rs.9,000/- per month, therefore, the award requires interference by the Court.”

38. In light of the above legal position and having due regard to the facts and circumstances of the present case, this Court finds it appropriate to assess the notional income of the claimant-Mamta at **Rs.9,000/- per month.**

39. A further perusal of the award reveals that the learned Tribunal has erred in not awarding any amount towards future prospects, therefore, as per the settled law on compensation, 40% is to be added as future prospects. Furthermore, the learned Tribunal has erred in applying the multiplier. Therefore, as per the settled law on compensation, multiplier of 16 would be applicable.

40. A further perusal of the record shows that the learned Tribunal has awarded the compensation on the lower side to the claimant under the heads of Pain and suffering, which is required to be enhanced.

41. It is trite that permanent disability suffered by an individual not only impairs his cognitive abilities and his physical facilities, but there are multiple non-quantifiable implications for the victim. Further, the very fact that healthy person turns into invalid being deprived of normal companionship and incapable of leading a productive life makes one suffer loss of dignity. As per the facts of the case the claimant suffered grievous injuries on her person including fracture left femur, fracture left humers, fracture left radius and fracture left UNLA. PW-10 Dr. V.K. Ghosla deposed regarding the injuries of the claimant and specifically stated that she has



incurred fracture in her skull, multiple fractures involving left thigh, left arm etc. Furthermore, disability certificate (Ex.PX) was also placed on record, which shows the disability as 35%. This fairly concludes the fact that the claimant have suffered immense amount of pain and agony due to the accident in question.

42. The Hon'ble Apex Court in the case of '**KS Muralidhar versus R Subbulakshmi and another 2024 INSC 886**' highlighted the intangible but devastating consequence of pain and suffering. The relevant portion of the same is reproduce as under:-

“15. Keeping in view the above-referred judgments, the injuries suffered, the 'pain and suffering' caused, and the life-long nature of the disability afflicted upon the claimant-appellant, and the statement of the Doctor as reproduced above, we find the request of the claimant-appellant to be justified and as such, award Rs.15,00,000/- under the head 'pain and suffering', fully conscious of the fact that the prayer of the claimant-appellant for enhancement of compensation was by a sum of Rs. 10,00,000/-, we find the compensation to be just, fair and reasonable at the amount so awarded.”

43. Therefore, in view of the above judgment and facts and circumstances of the present case, this Court deems it appropriate to grant compensation of **Five lakhs** under the heads of pain and suffering..

44. A further perusal of the award reveals that meager amount is granted by the learned Tribunal under the heads of special diet and



transportation. Furthermore, no amount was granted for attendant charges, loss of amenities of life and medical expenses for future treatment. Therefore, the award requires indulgence of this Court.

RELIEF

45. Consequently, as per the settled principles of law as laid down by Hon’ble Supreme Court as mentioned above, the respondent No.1/claimant is held entitled to the enhanced amount of compensation as calculated below:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Compensation Awarded</i>
<i>1</i>	<i>Income</i>	<i>Rs.9,000/-</i>
<i>2</i>	<i>Loss of future prospects (40%)</i>	<i>Rs.3,600/- (40% of Rs.9,000/-)</i>
<i>3</i>	<i>Annual Income</i>	<i>Rs.1,51,200/- (Rs.12,600/- X 12)</i>
<i>4</i>	<i>Loss of future earning on account of 35% disability</i>	<i>Rs.52,920/- (Rs.1,51,200/- X 35%)</i>
<i>5</i>	<i>Multiplier of 16</i>	<i>Rs.8,46,720/- (Rs.52,920/-X 16)</i>
<i>6</i>	<i>Medical Expenses</i>	<i>Rs.2,88,664/-</i>
<i>7</i>	<i>Pain and suffering</i>	<i>Rs.5,00,000/-</i>
<i>8</i>	<i>Attendant Charges</i>	<i>Rs.2,00,000/-</i>
<i>9</i>	<i>Transportation Charges</i>	<i>Rs.1,00,000/-</i>
<i>10</i>	<i>Loss of amenities of life</i>	<i>Rs.2,00,000/-</i>
<i>12</i>	<i>Future medical expenses</i>	<i>Rs.1,00,000/-</i>
<i>13</i>	<i>Special Diet</i>	<i>Rs.1,00,000/-</i>
<i>14</i>	<i>Total Amount</i>	<i>Rs.23,35,384/-</i>
<i>15</i>	<i>Deduction</i>	<i>Rs.4,28,664/-</i>
<i>16</i>	<i>Enhanced amount of compensation</i>	<i>Rs. 19,06,720/- (23,35,384 - 4,28,664)</i>

46. So far as the interest part is concerned, as held by Hon’ble Supreme Court in **Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma 2019 ACJ 3176** and **R.Valli and Others VS. Tamil Nadu State Transport Corporation (2022) 5 Supreme Court Cases 107**, the enhanced amount so calculated shall carry an interest @ 9% per annum from the date of filing of



the claim petition, till the date of realisation (**excluding the period of delay of 2042 days in filing the appeal**).

47. The appellant-Pepsu Roadway Transport Corporation is directed to deposit the enhanced amount along with interest at the rate of 9% with the Tribunal within a period of two months from the date of receipt of copy of this judgment excluding delayed interest. The Tribunal is directed to disburse the same to the respondents No.1 and 2-claimants in their bank account as per ratio settled in award dated 08.11.2011. The respondents No.1 and 2-claimants are directed to furnish their bank account details to the Tribunal.

48. Consequently, the present appeal is hereby **dismissed** and cross-objections filed by respondents No.1 and 2/cross-objectors are hereby **allowed**.

49. Pending miscellaneous applications, if any, are also disposed of.

14.05.2026

Ayub/Saahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*