



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

FAO-5565-2024 (O&M)
Date of Decision: 28.01.2026

Meena Rani and others

....Appellants

V/s

Sunil Kumar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. A.K. Walia, Advocate, for the appellants.

Mr. Vinod Gupta, Advocate, for respondent No.3-insurance co.

VIKRAM AGGARWAL, J. (ORAL)

Claimants have preferred the instant appeal seeking enhancement in compensation granted to them vide Award dated 23.08.2024 passed by the Motor Accident Claims MACT, Ambala (for short 'MACT').

2. The facts, as emanating from the paper-book, are that the appellants, who are the wife, two daughters (one minor), minor son and parents of Ashok Kumar instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act') for the grant of compensation of Rs.1 crore on account of the death of Sh. Ashok Kumar in a motor vehicular accident which took place on 10.11.2022.

3. It was averred that on 10.11.2022, Ashok Kumar was proceeding from his house on a motorcycle bearing registration No.HR-54-D-4959, which was being driven by him. When he reached just before DAV School near the Petrol Pump, Naraingarh, at about 7:00 a.m., a bus bearing registration No.HR-68-B-0987 (hereinafter referred to as "the offending vehicle") came from the side of the Petrol Pump, Naraingarh, in a rash and

negligent manner and, while taking a U-turn at a high speed and reversing,

hit the motorcycle of Ashok Kumar. As a result of the impact, Ashok Kumar fell on the road and sustained multiple grievous injuries on his head, chest, left leg, and other parts of the body. The offending vehicle was being driven by respondent No.1, who fled from the spot after the accident. The accident was witnessed by one Navjot Saini, who took Ashok Kumar to Civil Hospital, Naraingarh. From there, he was referred to Civil Hospital, Sector-6, Panchkula, and subsequently to PGIMER, Chandigarh, where he succumbed to his injuries on 14.11.2022.

4. FIR No.514, dated 12.11.2022 under Sections 279, 337, 427 IPC was registered at Police Station Naraingarh, District Ambala against respondent No.1.

5. Ashok Kumar was stated to be 45 years old at the time of his death and was stated to be a Mechanic engaged in repair and servicing work of motorcycles/scooters etc. It was claimed that he was earning Rs.30,000/- per month. Accordingly, a sum of Rs.1 crore was claimed as compensation.

6. The driver and owner of the offending vehicle filed their joint written statement and denied the factum of the accident.

7. The insurance company raised its usual defences in the written statement and denied the factum of the accident.

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

“1. Whether the accident in question took place due to rash and negligent driving of Bus bearing Regn. No.HR-68-B-0987 by respondent No.1-Sunil Kumar, resulting into death of Ashok Kumar, as alleged?OPP

2. If issue No.1 is proved, whether the claimants are entitled to compensation, if so how much and from whom?OPP

3. Whether respondent No.2 has violated the terms and conditions of the insurance policy and therefore, respondent No.3 is not liable to indemnify the respondent No.2? OPR3

4. 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 Ashok Kumar had expired had taken place on account of rash and negligent driving of the driver of the offending vehicle. The age of Ashok Kumar was assessed as 46 years 9 months. His income was assessed as Rs.10,250/- per month, on the basis of minimum wages prevailing in the State of Haryana for an unskilled worker at the time of the accident and the following compensation was awarded:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	46 years 9 months
2.	Income of the deceased	Rs.10,250 p.m. Annual Income Rs.1,23,000/- (Rs.10250 x 12)
3.	Future prospects @ 25%	Rs.2562.5/- per month/- (Rs.30750/- annually)
4.	After applying Multiplier of '13'	Rs.1,53,750/- (Rs.1,23,000+30750) Rs.1,53,750/- x 13 =Rs.19,98,750/-
5.	Deduction towards personal expenses @ 1/4 th	Rs.4,99,687/- Rs.14,99,062/-
6.	Funeral expenses	Rs.15000/-
7.	Loss of Estate	Rs.15000/-
8.	Filial Consortium	Rs.40,000/-
	Total Compensation	Rs.15,69,062/-

11. I have heard learned counsel for the parties.
12. Learned counsel for the appellants has submitted that inadequate compensation has been awarded by the MACT. It has been submitted that the income of the deceased Ashok Kumar was erroneously assessed as Rs.10,250/- per month by treating him to be an unskilled worker whereas, he was a Mechanic and was earning Rs.30,000/- per month and he

should have been taken to be a skilled worker. Accordingly, his monthly income should have at least been assessed as Rs.13,073/- per month, which was the minimum wage for a skilled worker at the time of accident. Learned counsel has also submitted that the amount of compensation awarded towards consortium is also inadequate since only Rs.40,000/- in total 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 Apex Court in ***Pranay Sethi*** case (supra) and ***Smt. Sarla Verma and others vs. Delhi Transport Corporation and another***, (2009) 6 SCC 121.

13. *Per contra*, learned counsel for the respondent-insurance company has submitted that the compensation awarded by the MACT is adequate. It has been submitted that the income of the deceased was rightly assessed by the MACT by treating him to be an unskilled worker in the absence of admissible evidence. However, as regards the compensation awarded on account of 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. The MACT assessed the income of the deceased as Rs.10,250/- per month by treating him to be an unskilled worker. In the considered opinion of this Court, the MACT erred here. No doubt, no concrete

Rs.30,000/-. However, PW-2, Meena Rani, widow of deceased Ashok Kumar categorically stated in her evidence that he was a mechanic and was doing the work of repair and service of motorcycles and scooters. In the cross-examination, she conceded that Ashok Kumar was not an income tax payee and she was not in possession of any documentary proof as regards his income being Rs.30,000/- per month. She further stated that she was not having any knowledge as to whether he maintained bill-books etc. or not. PW-3 (Aniket) deposed that he was getting the training of repair of motorcycles and scooters from Ashok Kumar, who was running a mechanic shop at Saini Repair and Auto Parts, Bus-stand Road, Naraingarh. In so far as the documentary evidence is concerned, certain photographs of Saini Repair and Auto Parts both from outside and inside and certain copies of bills etc. were produced. Though, they were not proved in accordance with law and were only marked viz Mark 'A' to Mark 'C', they could have been relied upon at least to arrive at a conclusion that Ashok Kumar was a skilled worker. It has to be borne in mind that in cases under the MV Act, strict rules of evidence do not apply. People from this strata of society are seldom having authentic proof of their avocation. More so when the sole bread earner leaves the world. Under the circumstances, this Court is of the considered opinion that the deceased Ashok Kumar should have been treated to be a skilled worker and his monthly income should have been assessed as per the minimum wages for a skilled worker.

16. That being so, this court is inclined to assess the income of the deceased Ashok Kumar as per the wages for a skilled worker which, at the relevant time, was Rs.13,000/-.

17. The MACT has awarded a total sum of Rs.40,000/- towards consortium. However, 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, is required to be granted. Still further, for funeral expenses and loss of estate, Rs.18,150/- under each head, is also required to be awarded.

18. Having considered the submissions made by learned counsel for the parties, the compensation is assessed as under, keeping in mind the principles enunciated by the Hon’ble Supreme Court of India:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	46 years 9 months	No change
2.	Income of the deceased	Rs.10,250 p.m. Annual Income Rs.1,23,000/- (Rs.10250 x 12)	Rs.13000/- p.m. (as skilled worker)
3.	Future prospects @ 25%	Rs.2562.5/- per month/- (Rs.30750/- annually)	Rs.3250/- p.m. (Rs.16,250 x 12 =Rs.1,95,000/-)
4.	After applying Multiplier of ‘13’	Rs.1,53,750/- (Rs.1,23,000+30,750/-) Rs.1,53,750/- x 13 =Rs.19,98,750/-	Rs.1,95,000/- x 13 =Rs.25,35,000/- annual income
5.	Deduction towards personal expenses @ 1/4 th	Rs.4,99,687/- (Total Rs.14,99,062/-)	Rs.6,33,750/- (Rs.19,01,250/-)
6.	Funeral expenses	Rs.15,000/-	Rs.18,150/-
7.	Loss of Estate	Rs.15,000/-	Rs.18,150/-
8.	Filial Consortium	Rs.40,000/-	Rs.2,42,000 /- (Rs.48,400/- x 5)
	Total Compensation	Rs.15,69,062/-	Rs.21,79,550/-

19. The total compensation, therefore, comes to Rs.21,79,550/-.

After deducting a sum of Rs.15,69,062/- as assessed by the MACT, the balance compensation comes to Rs.6,10,488/-/-. 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

20. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

January 28, 2026

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