



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

FAO-6829-2025 (O&M)
Date of Decision: 08.04.2026

Vinod Kumar Yadav and anotherAppellants

V/s

Pradeep Kumar and othersRespondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Prashant Singh Chauhan, Advocate and
Mr. Aman Yadav, Advocate, for the appellants.

Mr. Vinod Gupta, Advocate, for respondent No.3-Insurance Co.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the appellants/claimants seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Rewari (for short “the MACT”) vide award dated 29.08.2025 on account of the death of one Dhruv Rao in a motor vehicular accident which took place on 07.03.2022.

2. The appellants/claimants, who are the parents of the deceased Dhruv Rao, instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short “the MV Act”) seeking compensation of Rs.90 lakhs on account of the death of their son.

3. The case of the claimants was that on 07.03.2022, at about 8.30 A.M., Dhruv Rao was going to Badli for delivering food to a company in his car bearing Regn. No.HR-36-AG-9431. When he reached on the Flyover of Village Ismailpur on the Kundli-Manesar-Palwal Super Highway, a Maruti Ertiga car bearing Regn. No.HR-26-EA-0879 (hereinafter referred to as “the offending vehicle”), being driven by respondent No.1 (Pradeep Kumar) in a rash and negligent manner and at a very high speed came from behind and

struck against the car which was being driven by Dhruv Rao. As a result of the impact, the car struck the divider of the road. Dhruv Rao sustained fatal injuries on vital parts of his body and expired on the spot.

4. FIR No.79 dated 07.03.2022 under Sections 279/304A IPC was registered at Police Station Badli, District Jhajjar.

5. It was averred that Dhruv Rao (hereinafter referred to as “the deceased”) was 24 years old at the time of his death and was engaged in the business of catering. His monthly income was claimed to be Rs.75,000/- per month. It was claimed that a sum of Rs.1,50,000/- had been spent on the transportation of the dead body and on the last rites. Accordingly, a sum of Rs.90 lakhs 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 of the offending vehicle raised its usual defences in the written statement and denied the factum of the accident. The factum of the deceased having been admitted in the hospital was also denied.

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

- “1. Whether Dhruv has died in a motor vehicle accident that took place due to rash and negligent driving of vehicle bearing Regn. No.HR-26-EA-0879 by respondent No.1 as alleged in the petition? OPP**
- 2. Whether the petitioners are entitled to get compensation, if so, how much and from whom?OPP**
- 3. Whether respondent No.1 was not holding a valid and effective driving licence at the time of accident?OPR**
- 4. Whether the present petition is not maintainable?OPR**
- 5. Relief.”**

9. Parties led their respective evidence.

10. The MACT held that the accident as a result of which Dhruv Rao had expired, had taken place on account of the rash and negligent driving of the offending vehicle by its driver.

11. The age of the deceased was assessed as 24 years. His income was assessed on the basis of his income tax return Ex.P7 to be Rs.4,11,720/- per annum and after applying the multiplier of ‘18’ in terms of the ratio of law laid down by the Apex Court in the case of *Smt. Sarla Verma and others vs. Delhi Transport Corporation and another*, (2009) 6 SCC 121, the following compensation was awarded by the MACT:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	24 years
2.	Income of the deceased	Rs.4,11,720/- per annum
3.	Future Prospects @ 40%	Rs.1,64,688/- per annum =Rs.5,76,408/- per annum
4.	1/2 deduction towards personal expenses	Rs.2,88,204/- per annum
5.	Actual loss of income	Rs.2,88,204/- per annum
6.	Multiplier of “18”	Rs.2,88,204/- x 18 Rs.51,87,672/-
7.	Funeral expenses	Rs.18,150/-
8.	Loss of Estate	Rs.18,150/-
9.	Loss of Consortium	Rs.48,400/-
Total Compensation		Rs.52,72,372/-

12 I have heard learned counsel for the parties.

13. Learned counsel for the appellants submits that the MACT erred in assessing the income at Rs.4,11,720/- per annum, whereas, the income of the deceased was Rs.75,000/- per month. It has further been submitted that even the other benefits including consortium etc. were not granted in terms of the ratio of law laid down by the Apex Court in the cases of *National Insurance Company Limited vs. Pranay Sethi and others*, (2017)16 SCC 680 and *Smt. Sarla Verma and others vs. Delhi Transport Corporation and another*, (2009) 6 SCC 121.

14. *Per contra*, learned counsel for respondent No.3-insurance company has submitted that the income of the deceased was assessed on the basis of his income tax returns and, therefore, no enhancement in the same is required. Learned counsel could not, however, controvert that consortium

would be payable to both parents.

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

16. Coming first to the income of the deceased, the income tax returns were produced on record as Exs.P5 to P7. Ex.P5 was the income tax return acknowledgment for the Assessment Year 2021-22 as per which, the total income of the deceased was Rs.4,89,560/-. Similarly, Ex.P6 was the income tax return acknowledgment for the Assessment Year 2019-20 as per which the income was Rs.2,43,426/-. Ex.P7 was the income tax return acknowledgment for the Assessment Year 2020-21 as per which, the income was Rs.4,11,720/-. The accident took place on 07.03.2022, meaning thereby that income tax return for the financial year 2021-22 (Assessment Year 2022-23) would be relevant. There was no income tax return for the said period on record. The last income tax return would, therefore be for the financial year 2020-21 (Assessment Year 2021-22), which is Ex.P5. The income as per the same was Rs.4,89,560/- per annum. The MACT assessed the income as Rs.4,11,720/- per annum. In the considered opinion of this Court, the income tax return for the Assessment Year 2021-22 should have been taken into consideration and not for the Assessment Year 2020-21. The income of the deceased is, therefore assessed as Rs.4,89,560/- per annum.

17. In terms of the judgment of the Apex Court in the case of ***Pranay Sethi*** (supra), 40% future prospects were rightly granted by the MACT. Deduction of ½ was also rightly made since the deceased was a bachelor. Still further, consortium was payable to both parents but at the rate of Rs.44000/- and not at the rate of Rs.48,400/- since the accident took place on 07.03.2022 and, therefore, the second increase of 10% would not be

18. 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	24 years	No change
2.	Income of the deceased	Rs.4,11,720/- per annum	Rs.4,89,560/-
3.	Future Prospects @ 40%	Rs.1,64,688/- per annum =Rs.5,76,408/- per annum	Rs.1,95,824/- =Rs.6,85,384/- per annum
4.	1/2 deduction towards personal expenses	Rs.2,88,204/- per annum	Rs.3,42,692/-
5.	Actual loss of income	Rs.2,88,204/- per annum	Rs.3,42,692/-
6.	Multiplier of “18”	Rs.2,88,204/- x 18 Rs.51,87,672/-	Rs.3,42,692/- x 18 Rs.61,68,456/-
7.	Funeral expenses	Rs.18,150/-	Rs.16,500/-
8.	Loss of Estate	Rs.18,150/-	Rs.16,500/-
9.	Loss of Consortium	Rs.48,400/-	Rs.88,000/- (Rs.44,000/- x 2)
Total Compensation		Rs.52,72,372/-	Rs.62,89,456/-

19. The total compensation, therefore, comes to Rs.62,89,456/- After deducting a sum of Rs.52,72,372/- as assessed by the MACT, the balance compensation comes to **Rs.10,17,084/-**. 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.

20. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

April 08, 2026

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