



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215

FAO-3748-2017 (O&M)

Date of Decision:05.05.2025

Harjit Singh

....Appellant

Versus

Paramjit Kaur and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - None for the appellant.

Mr. Sushil Saini, Advocate for respondents No. 1 to 3.

None for respondents No. 4 to 6.

Mr. Gopal Mittal, Advocate  
for respondent No. 7-Insurance Co.

**NIDHI GUPTA, J.**

**CM-12237-CII-2017**

Application is allowed as prayed for.

Photocopy of Insurance Certificate/Policy No. 2002003114P103938481 dated 28.08.2014 of motorcycle bearing registration No. PB-02-AD-5034, owned by the applicant-appellant is taken on record as Annexure A-1, subject to all just exceptions.

**FAO-3748-2017 (O&M)**

1. The present appeal has been filed by Harjit Singh, owner-cum-driver of the motor-cycle bearing registration No. PB-02-AD-5034/offending vehicle, laying challenge to the Award dated 30.01.2017, passed by the learned Motor Accident Claims Tribunal, Amritsar



(hereinafter referred to as 'the learned Tribunal') whereby the claim petition bearing MACT Case No. 08/73 of 2016 dated 06.01.2016/07.01.2016 filed by claimants/respondents No. 1 to 3 herein, under Section 166 of the Motor Vehicles Act, 1988 was allowed; and compensation to the tune of ₹11,36,400/- along with interest @ 7.5% per annum from the date of filing of petition till actual realization was awarded. The 03 claimants are the: i) widow; and ii) 02 sons of deceased-Gurdeep Singh who was stated to be 51 years old at the time of death.

2. Brief facts as pleaded by the claimants in the claim petition are that on 08.04.2015, Gurdeep Singh (deceased) along with Harjit Singh was going from their house i.e. Amritsar to Bhikhiwind on a motorcycle bearing registration No. PB-02-AD-5034. The motorcycle was being driven by Harjit Singh/appellant herein in a rash and negligent manner, whereas Gurdeep Singh (deceased) was a pillion rider. Around 8:30 A.M. when they reached in the area of Bus Stand Mannan, in the meantime, a School Bus bearing registration No. PB-02-AT-9721 came there being driven by Baljit Singh/respondent No. 4 herein, in a rash and negligent manner and hit with the aforesaid motorcycle, upon which Gurdeep Singh and Harjit Singh fell down on the road. Deceased-Gurdeep Singh, received multiple injuries and was taken to Guru Nanak Dev Hospital, Amritsar. Gurdeep Singh succumbed to the injuries suffered by him in the accident on 03.05.2015. A sum of ₹70,000/- was spent on the medical treatment of the deceased. Post-mortem of the dead body of the deceased was got conducted by the police. The accident took place due to rash and negligent driving of appellant and respondent No. 4/driver of the bus



which caused the death of the deceased. FIR No. 104 dated 22.09.2015 under Sections 304-A/279, 337 and 338 IPC was also registered at Police Station Chabal, on the statement of respondent No. 1-Paramjit Kaur, eye-witness of the accident. At the time of accident, deceased - Gurdeep Singh was age around 48 years; and was doing work of Carpenter; and was earning ₹15,000/- per month. The deceased was quite hale and healthy and was not suffering from any disease at the time of death. Claimant No. 1 is the widow, claimants No. 2 and 3 are the sons of the deceased and they have no source of income and were fully dependents upon the income of the deceased. The untimely death of the deceased has caused great loss to the claimants.

3. The learned Tribunal on the basis of pleadings and evidence adduced before it concluded that deceased - Gurdeep Singh, had died on 03.05.2015 due to the injuries suffered by him in the motor vehicular accident that took place on 08.04.2015 due to the composite negligence of the appellant and respondent No. 4. As such, appellant was directed to pay 50% of the aforesaid compensation as it was found that on the date of accident the offending motor-cycle bearing registration No. PB-02-AD-5034 was not insured; and respondents No. 4 to 6 (being the driver, owner, and insurer, respectively of the bus bearing registration No. PB-02-AT-9721), were also held jointly and severally liable to pay the remaining 50% of the compensation amount to claimants along with interest @ 7.5% per annum from the date of filing the claim petition till actual realization.



4. In the first round of hearing, learned counsel for the appellant had sought a pass-over. However, in the second round, none has appeared on behalf of the appellant to argue the matter. Therefore, the present appeal being of the year 2017, is being heard and decided in the absence of learned counsel for the appellant.

5. As noted above, the liability to pay 50% of the impugned compensation was fixed by the learned Tribunal, upon the appellant on the ground that on the date of accident the offending motorcycle was not insured. However, the appellant has placed on record a photocopy of Insurance Certificate/Policy No. 2002003114P103938481 dated 28.08.2014 of motorcycle bearing registration No. PB-02-AD-5034 as Annexure A-1. The said policy is valid from 27.08.2014 to midnight on 26.08.2015. This shows that on the date of accident i.e. 08.04.2015, the offending motorcycle was validly insured. As such, liability to pay 50% of the compensation could not have been imposed upon the appellant.

6. At this stage, ld. counsel for respondent No.7, very fairly admitted that verification of the aforesaid policy (Annexure A-1) has been got done by the Insurance Company and it has been found that on the date of accident, the offending motorcycle was validly insured. A copy of the report dated 20.02.2025 to this effect is handed over in Court by counsel for respondent No. 7, which is taken on record.

7. As regards the quantum of compensation, in the claim petition age of the deceased was mentioned as 48 years. However, as per Postmortem Report Ex. P-1, the deceased was 51 years old at the time of death. It was pleaded by the claimants that the deceased was working as a



carpenter and was earning ₹15,000/- per month. However, except for the bald statement of claimant No. 1, no documentary evidence was produced by the claimants to prove the said income of the deceased. As such, the learned Tribunal rightly assessed income of the deceased as ₹8,000/- per month. The learned Tribunal has added 15% towards future prospects. However, as per law laid down by the Hon'ble Supreme Court in *Sarla Verma vs. Delhi Transport Corporation, Law Finder Doc Id # 188882*, age of the deceased being 51, the learned Tribunal ought to have added 10% towards future prospects. As claimants are three in number, ld. Tribunal has correctly made deduction of 1/3<sup>rd</sup>. As the deceased was 51 years of age at the time of accident, multiplier of 11 has correctly been applied. However, under the Conventional Heads, the learned Tribunal had awarded exorbitant amount of ₹25,000/- towards funeral expenses; ₹1,00,000/- towards loss of love and affection; ₹1,00,000/- towards loss of estate; and ₹1,00,000/- as consortium to respondent No. 1/widow of the deceased.

8. As such, the compensation awarded to respondents No. 1 to 3/claimants is re-assessed as under: -

Details	Before the Tribunal	Revised compensation
Income	₹8000/- per month	₹8000/- per month
Future prospects	15% (₹1200/-)	10% (₹800/-)
Deduction	1/3 <sup>rd</sup> (₹3066/-)	1/3 <sup>rd</sup> (₹2933/-)
Monthly loss of dependency	₹6134/-	₹5867/-
Multiplier	11	11
Total loss of dependency	6134 x 12 x 11 = ₹ 8,09,600/-	5867 x 12 x 11 = ₹7,74,444/-
Loss of consortium	₹1,00,000/- to claimant No. 1	₹48000 x 3 = ₹1,44,000/-
Love and affection	₹1,00,000/-	NIL



Funeral expenses	₹25,000/-	₹18,000/-
Loss of Estate	₹1,00,000/-	₹18,000/-
Total compensation	₹11,34,600/-	₹9,54,444/-
Interest	7.5% per annum	6% per annum
<b>Revised amount of compensation to be paid to the claimants</b>	<b>₹9,54,444/-</b>	

9. Ld. Counsel for the claimants/respondents no.1 to 3 does not dispute the above calculation.

10. In view of the above discussion, the present appeal is hereby **allowed** in the above terms. The entire amount of compensation of ₹9,54,444/- shall be paid by the respondent No.7 to the claimants along with interest at the rate of 6% per annum.

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

**05.05.2025**  
*rishu*

**( NIDHI GUPTA )**  
**JUDGE**

**Whether speaking/reasoned Yes/No**

**Whether Reportable Yes/No**