



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

FAO-357-2013 (O&M)  
Date of Decision: 29.09.2025

Laxman Dass and another ....Appellants

V/s

Umesh and others ....Respondents

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Rakesh Kumar Sharma, Advocate, for the appellants.  
Mr. Neeraj Khanna, Advocate,  
for respondent No.3-Insurance Company.

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**VIKRAM AGGARWAL, J. (ORAL)**

Claimants have preferred the instant appeal seeking enhancement in compensation granted to them vide award dated 03.04.2012 passed by the Motor Accident Claims Tribunal, Palwal (for short 'MACT').

2. The facts, as emanating from the paper book, are that appellants/claimants, who are the parents of deceased-Dheeraj, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act') claiming compensation on account of death of their son Dheeraj (hereinafter referred to as the "deceased") in a motor vehicular accident which took place on 07.03.2009.

3. It was averred that Dheeraj along with his friends namely Gaurav, Tarun, Dheeraj son of Deen Dayal after offering prayers at Shani Dev Mandir, Kokla Van Kosi Kalan (U.P.), was returning to his house in a Tata Sumo. The said vehicle broke down as a result of which, they boarded a three wheeler bearing Regn. No.HR-55G-3735 (for short the "offending



vehicle”) for their native place. It was averred that the said three-wheeler was being driven by respondent No.1 (Umesh) in a rash and negligent manner at a very high speed. At about 4.00 a.m., when the said three-wheeler reached near Asha Deep Daha near Village Dholagarh on the Mathura Delhi National Highway-2, the driver lost control and the three-wheeler turned turtle as a result of which, Dheeraj received multiple, grievous and fatal injuries including brain injuries and expired at the spot. It was averred that the deceased was only 20 years old and was running a shop at Jawahar Nagar, Palwal. It was averred that he was earning Rs.11000/- per month. As such, compensation of Rs.9,00,000/- was claimed by the parents of the deceased.

4. Respondents No.1 to 2 initially appeared but no written statement was filed on their behalf despite last opportunity having been granted to them. Since they did not appear, subsequently they were proceeded against *ex parte*.

5. The claim petition was opposed by respondent No.3. In the written statement, it took usual defences. However, the factum of the offending vehicle being insured by it, was admitted.

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

**“1. Whether Dheeraj alias Dheeru had died in a motor vehicular accident that took place on account of rash and negligent driving by its driver Umesh of vehicle No.HR-55G-3735 owned by respondent No.2 and insured with respondent No.3 ?OPP**

**2. If issue No.1 is proved whether the petitioner is entitled to compensation, if so to what amount and from whom?OPP**

**3. Whether the respondent No.1 was not holding a valid and effective driving licence at the time of accident and was being driven in violation of conditions of insurance policy ?OPR3**

**4. Whether the petitioner has no locus standi and cause of action to file the claim petition?OPR3**



5. **Relief.”**

7. Parties led their respective evidence.

8. The MACT held that the accident had taken place on account of the rash and negligent driving of the offending vehicle by respondent No.1. As regards the quantum of compensation, the age of deceased was assessed as 20 years and his monthly income was assessed as Rs.3600/- per month. Claimant No.1, father of the deceased, was held to be not dependent on the deceased and the dependency of claimant No.2 i.e. the mother of the deceased was assessed as 50%. Keeping in view the age of the deceased, the mother and the father of the deceased, a multiplier of 14 was applied by the MACT. As such, compensation of  $Rs.1800 \times 12 \times 14 = Rs.3,02,400/-$  was granted. Rs.10,000/- on account of funeral expenses, loss of consortium and loss of estate was also granted making the total compensation payable to be Rs.3,12,400/- along with interest @ 9% per annum. As it was not proved by the respondent-Insurance company that respondent No.1 was not holding a valid driving licence, the liability to pay the compensation was fastened upon all the respondents jointly and severally.

9. I have heard learned counsel for the parties.

10. There is no challenge to the Award by either side on the issue of negligence and only enhancement in compensation is claimed.

11. Learned counsel for the appellants has submitted that the monthly income of the deceased should be assessed at Rs.3840/- per month, which were the minimum wages at the relevant time. Learned counsel submits that compensation on future prospects was not granted in terms of the judgment of the Supreme Court of India in ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.*** He further submits that in terms of the judgment of the Supreme Court of



India in *Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009 SCC Online SC 797*, multiplier of '18' should have been adopted instead of '14' which was adopted by the MACT. As regards claim of consortium/filial compensation, it has been submitted that the same would be @ Rs.48,000/- for each dependant (for the father and the mother). He submits that similarly, Rs.18,000/- each, for loss of estate and funeral expenses, should be awarded. Future prospects @ 40% needs to be added in the income of the deceased and, therefore, the income would come to Rs.5376/- per month i.e. Rs.3840 + Rs.1536 @ 40% future prospects and after deduction of ½ amount towards personal expenses, the actual monthly income would come to Rs.2688/- per month (annual income Rs.32256/-/- per month). If the multiplier of '18 is to be applied to the annual income, the loss of dependency would come to Rs.5,80,608/-. As such, the total compensation would be Rs.7,12,608/-. The balance, after deduction of Rs.3,12,400, as assessed by the MACT, would, therefore, come to Rs.4,00,208/-, along with interest @ 9% per annum.

12. *Per contra*, learned counsel representing respondent No.3- insurance Company has opposed the prayer made by learned counsel for the appellants. However, he has not been able to controvert the submissions made by learned counsel for the appellants, which have strictly been made in terms of the ratio of the judgment of the Supreme Court of India in the case of **Sarla Verma** and **Pranay Sethi** (supra). He also could not deny the submissions about the consortium/filial compensation.

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

14. 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 in the case of *National Insurance Co. Ltd. vs. Pranay Sethi & Smt. Sarla Verma and others vs. Delhi Transport Corporation and another* (supra):-

Sr. No.	Heads of Claim	
1.	Age of the deceased	20 years
2.	Income + Future Prospects @ 40%	Rs.3840/- + Rs.1536 =Rs.5376/- per month
3.	½ deduction as personal expenses	Rs.5376/- Rs.2688/- =Rs.2688/-
4.	After applying Multiplier of '18'	Rs.2688/- x 12x 18 =Rs.580608/-
5.	Funeral expenses	Rs.18,000/-
6.	Loss of Estate	Rs.18000/-
7.	Loss of consortium	Rs.48000/- x 2 =Rs.96000/-
8.	<b>Total Compensation</b>	<b>Rs.7,12,608/-</b>

The total compensation, therefore, comes to Rs.7,12,608/-. After deducting a sum of Rs.3,12,400/-, as assessed by the MACT, the balance compensation comes to Rs.4,00,208/-. 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.

15. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)  
JUDGE

September 29, 2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No