



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

**FAO-2661-2025 (O&M)
Decided on : 01.05.2025**

Reliance General Insurance Company Limited

..... Appellant

Versus

KM Ritu and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Dinesh Kumar Prajapati, Advocate
for the appellant.

VIKRAM AGGARWAL, J (ORAL)

The Insurance Company is in appeal against the award dated 07.03.2025, passed by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'the MACT') vide which the claim petition preferred by the claimants-respondents No.1 to 4 under Section 166 of the Motor Vehicles Act, 1988 (for short 'the M.V.Act') for the grant of compensation on account of the death of Pardeep, who expired on 29.12.2023 in a motor vehicular accident which took place on 25.12.2023, was allowed and a sum of ₹31,00,000/- was awarded as compensation.

2. For the sake of convenience and clarity, parties shall be referred to as per their original status.

3. On 25.12.2023, Pardeep was going from Nuhon Colony, Rupnagar towards Mohali on a motorcycle bearing registration No.PB-12-AH-6975. His brother Deepak Singh was following him on a separate motorcycle. At about 7:15 a.m., when Pardeep reached within the revenue



limits of Village Dhianpura on Kurali Bypass Road, a car bearing registration No.CH-03-P-9447 (hereinafter referred to as 'the offending vehicle') came from the back side i.e. from the side of Ropar. It was being driven by the driver-respondent No.1 in a rash and negligent manner. After overtaking Deepak Singh, it struck against the motorcycle of Pardeep. As a result of the impact, Pardeep fell on the road and received multiple injuries on his head and other parts of the body. He was initially taken to Civil Hospital, Kurali from where he was referred to GMCH, Sector 16, Chandigarh and further to PGI, Chandigarh. He, however, expired on 29.12.2023. On the basis of the statement of Deepak Singh, FIR No.96 dated 30.12.2023 (Ex.P7) was registered under Sections 279, 304-A and 427 IPC against respondent No.1 in Police Station Singh Bhagwantpur.

4. As per the claim petition, Pardeep was 31 years old at the time of his death. He was a Customer Service Associate at Reliance Smart Superstore and was being paid a salary of ₹20,000/- per month. The claimants, who were his widow, minor daughter and parents were stated to be fully dependent upon him as he was the sole bread winner of the family. Compensation of ₹50,00,000/- was claimed.

5. The claim petition was opposed by the respondents. The driver and owner denied the factum of the accident and took a stand that the vehicle had been falsely implicated. The Insurance Company also raised its usual defences and denied the factum of accident.

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



1. *Whether deceased Pardeep son of Umed Singh died in the motor vehicle accident that took place on 25.12.2023 at about 07:15 AM in the area of revenue limits of Village Dhianpura on Kurali by pass road, due to rash and negligent driving of car bearing registration No.CH-03-P-9447 being driven by respondent No.1? OPP*
2. *If the above issue is proved, whether the claimants are entitled for compensation as prayed for ? OPP*
3. *Whether the respondent no.1 was not having valid documents i.e. driving licence etc. at the time of accident ? OPR*
4. *Whether the present claim petition is not maintainable ? OPR*
5. *Relief.*

7. Parties led their respective evidence.

8. The learned MACT allowed the claim petition. Under issue No.1, it was held that the accident as a result of which Pardeep had expired had taken place on account of the rash and negligent driving of the offending vehicle by its driver. As regards the quantum of compensation, the annual income of deceased Pardeep was assessed at ₹1,79,508/- at the time of the accident. 1/4th amount was ordered to be deducted on account of personal expenses. After applying the ratio of law laid down by the Supreme Court of India in case of *Sarla Verma and others Vs. The Delhi Transport Corporation and another, 2009(3) RCR (Civil) 77* and *National Insurance Company Limited Vs. Pranay Sethi and others AIR 2018 SC (Civil) 81*, the total compensation was assessed as ₹31,00,000/-. The driver, owner and the Insurance Company were held to be jointly and severally liable to pay the compensation. 50% amount of compensation was ordered to be paid to the



widow (respondent No.1); 30% to the minor daughter (respondent No.2) and 10% each to the parents (respondents No.3 and 4) of deceased Pardeep.

9. Aggrieved by the same, the present appeal has been filed by the Insurance Company.

10. I have heard learned counsel for the appellant.

11. Learned counsel for the appellant has raised only twofold submissions. He submits that the deceased Pardeep was not wearing a helmet at the time of accident and, therefore, it was a case of contributory negligence. As regards the income, learned counsel submits that no specific proof of income was produced.

12. I have considered the submissions made by learned counsel for the appellant but find the same to be devoid of merit. As regards the deceased Pardeep not wearing a helmet, this itself would not make it to be a case of contributory negligence. There is no discussion on this point by the MACT meaning thereby that this point was never argued nor was it raised. Learned counsel has not been able to point out any evidence having been produced in this regard or even a specific plea in this regard having been taken. Be that as it may, it could have been a case of contributory negligence, had it been proved on record that the accident took place on account of the deceased not wearing a helmet. In the absence of the same, it cannot be taken to be a case of contributory negligence.

13. As regards the income, PW3 Kamaljeet Singh, Department Manager, Reliance Smart, near HMT, Ropar stepped into the witness box and deposed that Pardeep Kumar had been working as a Junior Associate in



the company from 10.01.2022 till his death. The salary certificate Ex.CW3/1 and salary slips from April, 2023 to December, 2023 Ex.CW3/2 to Ex.CW3/10 were produced by him. He also deposed that the CTC package was ₹1,79,508/ per annum. After examining the entire evidence, the MACT assessed the annual income of Pardeep to be ₹1,79,508/-. It was also noticed by the MACT that no evidence was produced by the respondent to rebut the testimony of PW3 Kamaljeet Singh. Learned counsel for the appellant has not been able to show anything in the cross-examination of PW3 Kamaljeet Singh which could have even prima facie suggested that Pardeep was not working with Reliance Smart or that he was not drawing the salary as stated by the said witness. The MACT, therefore, rightly assessed the compensation and determined the liability to pay the same.

14. I do not find any illegality in the findings returned by the MACT warranting interference.

In view of the above, I do not find any merit in the present appeal and the same is accordingly dismissed.

Since the main petition has been decided, all pending applications stand disposed of.

01.05.2025
mamta

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No