

**IN THE COURT OF P. C. RANA, MOTOR ACCIDENTS
CLAIMS TRIBUNAL-I, DISTRICT KULLU, H.P.**

CIS CNR No.	:	HPKU-01-001392-2023
CIS Case Type	:	Claim petition.
CIS Regd. No.	:	78 of 2024.-
Claim petition No.	:	45 of 2024
Date of Institution	:	27.05.2023/24.09.2024.
Date of decision	:	04.07.2026

1. Smt. Kamlesh Kumari wife of late Sh. Sham Singh;
2. Mr. Mayank, minor aged 3 years son of late Sh. Sham Singh;
3. Smt. Paan Dei wife of Sh. Devi Lal (mother of late Sh. Sham Singh), all residents of village Chacharbas, Tehsil Pangi, District Chamba, H.P.

....Petitioners.

Versus

1. Shri Prem Singh son of Sh. Nand Ram (since deceased through legal representatives :-
(a) Tajender,
(b) Parth,
(c) Ashish; all sons of late Sh. Prem Singh, residents of village and Post Office Shansha, Tehsil Keylong, District Lahaul and Spiti, H.P. (Owner of vehicle bearing regd. No. HP-42-2570).
2. Sh. Parth son of Sh. Prem Singh r/o village and Post Office Shansha, Tehsil Keylong, District Lahaul & Spiti, H.P. (Driver of vehicle No. HP-42-2570).
3. The New India Assurance Co., Gaur Niwas Dhalpur, Tehsil & District Kullu (HP) through its Branch Manager.

....Respondents.

**AIR/CLAIM PETITION UNDER SECTION
166 of THE MOTOR VEHICLES ACT.**

For petitioners	:	Sh. D. S. Thakur, Ld. Counsel.
For respdt. No.1 (a) to (c) and 2	:	Sh. Govinder Thakur, Id. Counsel.
For respdt. No.3	:	Sh. R.K. Thakur, Id. Counsel.

AWARD :-

1. Instant claim petition has been filed by the legal representatives of deceased Sham Singh, who died in a motor vehicular accident, which took place on 23.09.2022, at about 10:40 P.M., at place Sissu, Tehsil Keylong, District Lahaul & Spiti, H.P., with vehicle bearing No. HP-42-2570, being driven by the respondent No.2, in a rash and negligent manner.

2. It is pleaded that on the fateful day of 23.09.2022, deceased Sham Singh, aged 32 years, along with Vijay Singh son of Sh. Dam Chand was going to attend a rally at Mandi in HRTC Bus. When the bus reached near Nursery at Sissu, it was stopped by its driver for sometime. Deceased Sham Singh and Vijay Singh alighted from the bus and went to answer call of the nature. While returning, when Sham Singh was crossing the road, a Mahindra Bolero pick up came there, being driven by respondent No.2 in a rash and negligent manner as well as in high speed, as a result, the driver hit Sham Singh, who fell on the road and sustained multiple simple and grievous injuries on his entire body parts. He was shifted to PHC Sissu, where, after giving first aid to

him, he was referred to District Hospital Keylong, where the doctor declared him brought dead and post-mortem on his dead body was conducted by the doctor on duty.

3. Further it is pleaded that the information of the accident was given to the police at PP Khoksar and ASI Bharat Bhushan visited the spot and verified the facts of the accident. During investigation, the statement of Vijay Singh was recorded, who was one of the occupants in the bus of HRTC and accompanying the deceased to Mandi to attend Rally and had witnessed the accident, which was sent to Police station, on the basis of which, FIR was registered and case under Sections 279, 337 and 304-A, IPC and 187 of the Motor Vehicle Act, was registered against the respondent No.2 and during investigation, it was found that the accident took place due to rash and negligent driving of the respondent No.2, who was driving the offending vehicle in a high speed.

4. It is further pleaded that the deceased was possessing landed property of his father and used to grow potatoes and other vegetables, etc and also doing labour work with various contractors, thereby earning Rs.40,000/- per month. The deceased was the only bread earner of his family and due to his untimely death, the petitioners have suffered great financial loss and they have been deprived of the love and affection of the deceased being their husband, father and son respectively, as such, they suffered great

agony and sufferings and on this account, she is entitled to Rs.30,00,000/-, in addition to loss of earning and funeral expenses and prayed that petition may kindly be allowed and compensation to the tune of ₹30,00,000/- along with interest be awarded in their favour.

5. Respondents No.1 and 2 filed joint separate reply wherein 'Preliminary Objections' of maintainability and the vehicle in question is duly insured with the respondent No.3, have been taken.

6. On merits, it is pleaded that the accident did not take place due to rash and negligent driving of the respondent No.2. The age, occupation and income of the deceased are denied specifically. It is submitted that in case, this Hon'ble Tribunal comes to the conclusion that the petitioners are entitled for any compensation, then it is the liability of the respondent No.3, with whom the vehicle in question, is insured. Rest of the allegations are denied and prayed that the claim petition be dismissed.

7. The respondent No.3, the Insurance Company filed separate reply to the petition wherein 'preliminary objection' qua maintainability has been taken and it is submitted that vehicle No. HP-42-2570 is specifically denied to be insured with the respondent for want of particulars of insurance policy and in case later on the particulars of the Insurance Policy are furnished, the respondent reserves its right of filing supplementary reply. It is further submitted that

in case the vehicle No. HP-42-2570 is proved to be insured with the respondent, even in that event the respondent is not liable to pay any sort of compensation because the driver of the said vehicle was not possessing the valid and effective driving license and the vehicle was also not possessing the valid documents, RC, etc and the vehicle was being plied in contravention of the Motor Vehicles Act and the contract of the Insurance Policy, if any as he has made learner license after the incident. Further that the petitioners are not the legal heirs of the deceased.

8. On merits, similar facts have been taken as taken in 'preliminary objections' of the reply. It is submitted that the amount of compensation claimed is highly excessive and exaggerated and most of the allegations of the petitioners are denied for want of knowledge. Rest of the contents of the petition are denied and prayed that the petition be dismissed.

9. The petitioner filed Rejoinders to replies, wherein, the pleadings taken in the claim petition are reiterated and those of replies denied and prayed that the suit be decreed.

10. After going through the pleadings of the parties, vide order dated 17.11.2025, this Tribunal has framed the following issues, which are reproduced hereunder as :-

1. Whether on 23.09.2022 at about 10:40 P.M., at place Sissu, Tehsil Keylong, District Lahaul and Spiti, H.P, respondent No.2 was driving Mahindra Bolero Pick-Up bearing No. HP-42-2570 in a rash and negligent manner

and hit deceased Sham Singh, who was crossing the road as a result of which, he sustained multiple simple as well as grievous injuries on his person and later on succumbed to injuries, as alleged? OPP.

2. If issue no.1 is proved in affirmative, to what amount of compensation the petitioners are entitled for and from whom? OPP.
3. Whether the present claim petition is not maintainable in the present form? OPRs.
4. Whether the respondent No.2 was not having any valid and effective driving license and it was being plied in contravention of the Motor Vehicles Act and the contract of Insurance Policy? OPR-3.
5. Relief.

11. Opportunities have been afforded to the parties to lead evidence in support of their respective claim and the parties have lead evidence and also proved documents on record.

12. I have heard learned counsels for the parties and have carefully gone through the record of the case.

13. For the reasons recorded hereinafter while discussing the issues for determination, my findings on these issues are as under:-

Issue No.1	:	Yes.
Issue No.2	:	Yes, as per this award
Issue No.3	:	No.

Issue No.4	:	No.
Relief	:	The petition is partly allowed, as per operative part of the Award.

REASONS FOR FINDINGS

EVIDENCE IN BRIEF:-

14. The petitioners, in order to prove their case, examined petitioner No.1 Kamlesh Kumari, who tendered her sworn affidavit Ext. PW-1/A in her examination-in-chief, wherein, she reiterated the facts taken in the petition, as such, the contents of affidavit are not reproduced for the sake of brevity. She also tendered copies of her Aadhar Card as Ext. PW-1/B and another Aadhar card as Ext. PW-1/C of Paan Dei, birth certificate as Ext. PW-1/D and legal heirs certificate as Ext. PW-1/E, in her evidence.

15. In her cross-examination, conducted on behalf of the respondents No.1 and 2, She has not witnessed the accident. She is not aware of the fact that due to whose negligence, the accident took place. Self stated that she was told by others that the accident took place due to negligence of the respondent No.2. She denied that this accident did not occurred due to rash and negligent driving and high speed of driver of the Jeep. Her husband used to do agriculture work. She denied that the monthly income of her husband was Rs.4,000/- - Rs.5,000/-.She denied that for getting excessive compensation, she has filed a false case.

16. In her cross-examination, conducted on behalf of the respondent No.3, she was told about the accident by the villagers of her village. However, she is not aware about those villagers and these persons were going to Mandi from Pangi in a bus for Rally of the Hon'ble Prime Minister. She is not aware whether all the passengers of the bus had consumed liquor. This accident took place in the night at about 10:30 P.M. in the year 2022-2023. This accident did not take place due to getting down of her husband from moving bus. She denied that her husband had consumed liquor on that day. She stated that she has not filed any document regarding the income of her husband in the case file. She denied that income of her husband was not Rs.40,000/- per month. She came to know about the accident on the same day at about 3:00/4:00 A.M. in the night. She was not present on the spot, at the time of the accident. She denied the suggestions that no accident with Bolero vehicle took place or it has taken place due to getting down by her husband from the moving bus and by his fall on the road or the driver of the Bolero vehicle is involved in a false case. She stated that neither she has been associated in the investigation of the police in this case nor her statement was recorded. She denied that she has filed a false case in order to get claim.

17. Th petitioners have also examined HC Kishori Lal as PW-2, who has brought the summoned record and proved copy of FIR No.114 dated 24.09.2022 registered under

Sections 279, 304-A and 201 IPC and Section 187 of M.V. Act as PW-2/A on record.

18. In his cross-examination, he agreed that neither FIR Ext. PW-1/A is written by him nor signed by him nor he has any knowledge about this FIR. He is not aware in which court the challan of this case FIR was filed. He is not aware about the investigation of this case FIR.

19. The petitioners have also examined Dr. Raj Kumar as PW-3, who has stated that on 24.09.2022, he conducted post-mortem examination on dead body of Sham Singh son of Devi Lal and thereafter, issued PMR report Ext. PW-3/A (two pages). He has recorded the injuries as noticed on the person of Sham Lal in the first and second page of PMR and given his opinion regarding cause of death due to craniocerebral damage consequent upon the injuries over the head due to blunt force impact and all injuries are ante mortem in nature and could be possible in case of road accident. The probable time between the injury and death is less than six hours and between death and post-mortem is 12 hours.

20. In his cross-examination, he stated that blood sample was also taken as a specimen from the dead body, however, no alcohol was detected as per FSL report. He agreed that the injuries, which he noticed on the person of Sham Singh and also reflected in PMR, could be possible due to falling on hard surface.

21. Thereafter, learned counsel Sh. D.S. Thakur, Advocate closed evidence on behalf of the petitioners.

22. Respondent No.1 Parth stepped into the witness box as RW-1 and stated that the accident in question did not take place with his vehicle. The police on the basis of suspicion has registered the present case against him, because on the day of accident, his vehicle crossed from Sissu at about 10:00 P.M. He has driving license to drive the vehicle and RC is in the name of his father and his vehicle is insured with New India Insurance Company w.e.f. 14.07.2022 to 13.07.2023 and tendered on record copies of his DL as Ext. RW-1/A, RC as Ext. RW-1/B and Insurance Policy as Ext. RW-1/C in his evidence.

23. In his cross-examination, conducted on behalf of the respondent No.3, he stated that he is not aware as to in which vehicle the deceased was sitting. He cannot tell that the accident took place due to rash and negligent driving of driver of HRTC Bus.

24. In his cross-examination, conducted on behalf of the petitioner, he denied that due to his rash and negligent driving, this accident took place on 23.09.2022, in which, Sham Singh sustained injuries. Self stated that no accident took place with his vehicle. He cannot tell that after the accident, Sham Singh was taken for treatment to Keylong Hospital, where he was declared brought dead. He denied that he fled away from the spot of accident. Self stated that

no accident took place with his vehicle. He denied that the accident took place due to negligence of the driver. He agreed that FIR was registered against him. Self stated that the FIR was registered on the basis of suspicion.

25. The the learned counsel for the respondents No. 1 and vide his separate statement recorded and placed on the file, closed the evidence on behalf of respondents No.1 and 2.

26. The learned counsel for the respondent No.3 tendered in evidence Insurance Policy of vehicle No. HP-42-2570 as Ext. RA and closed its evidence.

27. This is the entire evidence led on record by the parties to the lis.

ISSUE NO. 1:

28. Onus to prove this issue is on the petitioners. The instant petition has been filed under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Sham Singh in the accident, which took place on 23.09.2022 at about 10:40 P.M. at Sissu, when the respondent No.2 was driving Mahindra Bolero Pick-Up bearing No. HP-42-2570 in a rash and negligent manner. Thus, for the success of the petition, it was incumbent upon the petitioners to prove the rash and negligent driving on the part of the respondent No.2 causing accident.

29. It is pleaded case of the petitioners that 23.09.2022, deceased Sham Singh along with Vijay Singh son of Sh. Dam Chand was going to attend a rally at Mandi in HRTC Bus. When the said bus reached near Nursery at Sissu, it was stopped by its driver for sometime. Sham Singh and Vijay Singh alighted from the bus and went to answer call of the nature and when on return Sham Singh was crossing the road, in the meantime, Mahindra Bolero pick up came there being driven by its driver/ the respondent No.2 in a rash and negligent manner as well as in high speed, as a result, the offending vehicle hit Sham Singh, who fell on the road and sustained multiple simple and grievous injuries on his entire body. Sham Singh was shifted to PHC Sissu, where after giving first aid, he was referred to District Hospital Keylong, where the doctor declared him brought dead. The said accident took place due to rash and negligent driving on the part of the respondent No.2. The information of the accident was given to PP Koksar, upon which, ASI Bharat Bhushan visited the spot, who verified the facts and thereafter, shifted Sham Singh to PHC Sissu, where he was admitted for treatment and after giving first aid, he was referred to District Hospital Keylong, as the injuries were grievous in nature and thereafter, the statement of Vijay Singh was recorded, upon which, FIR No. 114 of 2022 under Sections 279, 337 and 304-A, IPC and 187 of the Motor Vehicle Act, was registered in Police Station Keylong.

30. It is the case of the respondents No.1 and 2, wherein they have denied that the accident had taken place with the offending vehicle and claimed that the petition is not maintainable. Further they claimed that the vehicle was duly insured with the respondent No.3 and if this Hon'ble Tribunal comes to the conclusion that the petitioners are entitled for any compensation, the same shall be paid by the Insurance Company.

31. The respondent No.3 has also denied that the accident has taken place with the offending vehicle. Further the Insurance Company has taken statutory defences as available under Section 134 (c) of the Motor Vehicles Act and also denied the factum of driving having a valid and effective driving license as well as that the vehicle is not insured with the Insurance Company.

32. The petitioners in order to prove their case, has examined petitioner No.1 as PW-1, HC Kishori Lal as PW-2, who has proved FIR on record as PW-2/A and also examined Dr. Raj Kumar as PW-3, who has proved Post-mortem report on record as Ext. PW-3/A (three pages) and closed their evidence.

33. It has come on record through the cross-examination of PW-1 that she was not present on the spot when the accident took place and is not aware as to how the accident has taken place. So, her testimony is not of any help to decide the issue under consideration. Neither the author of

the FIR Vijay Singh nor Investigating Officer of the case is examined to prove as to how the accident had taken place and who was at fault in causing the accident.

34. The respondent No.2 himself appeared as RW-2 and denied that the accident had taken place with the offending vehicle. The insurance company has not examined any witness to prove the defence so taken on record.

35. Prior to filing of the instant petition, AIR was also received before this Tribunal, wherein complete record of the investigation as well as charge-sheet was filed after the investigation are appended with and tagged with instant case and the instant claim petition is not a civil suit but is an enquiry to be made by this Tribunal to ascertain whether the accident had taken place and the manner in which the accident had taken place, as such, the investigation report so filed and appended with the AIR and tagged with the instant petition can be taken into consideration.

36. In the instant case, FIR Ext. PW-2/A got registered on the statement of Vijay Singh son of Sh. Dam Chand, resident of village Kyuni, Post Office Kothi, Tehsil Pangi, District Chamba, wherein it is recorded that *'on 23.09.2022, he was going from Pangi to Mandi for a rally in HRTC Bus along with people of his area. When they reached near Sissu Nursery, the bus driver stopped the bus for a while. He and Sham Singh got down from the bus to urinate. At about 10:40 P.M., while Sham Singh was crossing the*

*road, one Pick Up came at a high speed from the Sissu nursery side and hit him, thereby, Sham Singh fell down on the road, resulting in suffering serious injuries. Due to the high speed of the vehicle and darkness, he could not read the registration number of the vehicle properly, but he saw that Pick Up number was **HP-42-2570** and the driver of the Pick Up had fled from the spot towards Keylong, without stopping and on hearing the sound of collision, the passengers of the bus and people from nearby Dhabas, came to the spot and with the help of local people, Sham Singh was taken to PHC Sissu for treatment, where, after sometime, the police came. Thereafter, Medical Officer referred Sham Singh to District Hospital Keylong, where he was declared brought dead. This accident had taken place due to rash and negligent driving of the driver of the above Pick Up and necessary legal action be taken against him'.*

37. Careful perusal of the challan filed under Section 173, Cr.P.C., reveals that during investigation, the police has also lifted plastic pieces of bumper fell on the spot and seized them and sent for chemical examination and report was called for. In the report, though they did not physically fit at the patches, but are similar colour and surface textures. Further no ethyl alcohol was detected in the blood and urine sample of the deceased, as per the report, so received and on the basis of CCTV footage found as well as photograph placed on record, the vehicle bearing No. HP-42-2570 was found present on the spot, on the basis of which, its owner

was associated in the investigation by visiting his house. Then it was disclosed that Parth son of Prem Chand was driving the said vehicle at the time of accident and it was admitted that the accident took place with the vehicle at Sissu near Petrol Pump and the said vehicle was concealed at Gondhla Nalla. Thereafter, it was recovered.

38. The said facts were also in the knowledge of the respondent No.2, who examined himself as RW-2 but has not disputed such facts and findings of police during the investigation of the case, as he is admittedly facing criminal trial registered against him qua the accident before the competent Court, which amounts to an admission on the part of the respondent No.2 that the accident had taken place with the vehicle in question, who was driving the same at the time of the accident.

39. The doctor Raj Kumar has been examined as PW-3, who has conducted the PMR on the dead body of Sham Singh and proved the same on record as PW-3 and has given opinion regarding the cause of death due to craniocerebral damage consequent upon the injuries over the head due to blunt force impact and all injuries are ante mortem in nature and could be possible in case of road traffic accident.

40. Taking into consideration the aforesaid statement along with PMR as well as contents of FIR, report under Section 173, Cr.P.C. along with records appended with it, it

has been proved to the satisfaction of this Tribunal that at the relevant time, the respondent No.2 was driving the offending vehicle in a very rash and negligent manner and high speed and due to which, the accident had taken place and deceased Sham Singh, when was crossing the road to board the bus, sustained fatal injuries and succumbed to the injuries on reaching the hospital. Hence, issue under consideration is decided in favour of the petitioners and against the respondents.

ISSUE NO.3:

41. Onus to prove issue No.3 is upon the respondents, who have taken the objection that the instant petition is not maintainable in the present form. It is not explained as to how the petition is not maintainable, however, petition is filed under Section 166 of the M.V. Act seeking compensation on account of death of Sham Singh in the accident by invoking the provisions of the Motor Vehicles Act, hence, the present petition is held to be maintainable against the respondents, thus, issue consideration is decided against respondent no.3.

ISSUE NO.4:

42. Onus to prove this issue is upon the respondent No.3, who has taken the objection that the respondent No.2 was not having a valid and effective driving license to drive the vehicle and the vehicle was being plied in contravention of the provisions of Motor Vehicles Act as well as contract of

insurances Policy. However, the respondent No.3 has not examined any witness in support of this contention. The respondent No.2 appeared as RW-1 and proved on record his DL as Ext. RW-1/A, copy of RC as Ext. RW-1/B, copy of Insurance Policy as Ext. RW-1/C. The copy of DL reveals that the driving license was issued on 15.12.2020 and valid for driving non-transport vehicle uptill 09.11.2041 and he was authorized to drive LMV from 15.12.2020, MCWG from 15.12.2020 and the vehicle in question is LMV and the accident in question took place on 23.09.2022, hence, the respondent No.2 was having a valid and effective driving license to drive the vehicle in question on the day of accident. Hence, this issue is decided against the respondent No.3 and in favour of the respondent No.2.

ISSUE NO.2:-

43. In view of findings returned on issue No. 1 above, now it is to be seen as how much compensation, the petitioners are entitled to and from whom? The onus to prove this issue is upon the petitioners.

44. As per the pleadings taken in the petition, the deceased was 32 years of age, who was married having wife, one son and one mother to take care of in the family and he was agriculturist. As per the petitioners, he was earning Rs.40,000/- per month. It has come on record during the cross-examination of PW-1 that she has not placed on record any revenue record regarding the land and income being

generated from the same. Thus, there is nothing on record to assess the income of the deceased Shyam Singh. So, in order to assess the income of the deceased, no other option is left with this Tribunal, than to take into consideration the Notification issued by the Govt. of H.P., with respect to revision of daily wages for the year 2022, wherein income of a daily wager in the year 2022 is revised at the rate of Rs.350/- per day. The deceased was a family man, having family of four persons including himself to take care of, so he was supposed to have rendered help to the family members in household chores, as such, his daily is taken as Rs.400/- per day, as such, gross income of the deceased comes to Rs.12,000/- per month.

45. The deceased was 32 years of age, as such, in view of law laid down in **National Insurance Company Ltd. vs Pranay Sethi and Ors (2017) 16 SCC 680**, his income is required to be enhanced by 40% on account of future prospectus, which comes to Rs.560/-, hence, gross income of the deceased comes to **Rs.16,800/-** (560/- x 30) per month.

46. There were four family members of the deceased including himself, as claimed in the claim petition, as such, in view of the law laid down in **Sarla Verma and Ors. Vs. Delhi Transport Corporation and anr. (2009) 6 SCC 126**, the income of the deceased Rs.16,800/- is required to be deducted by 1/4th on account of personal expenses, which deceased could have incurred on himself, had he been alive,

which comes to Rs.4200/- and after deducting said amount from his gross income, the net income of the deceased comes to **Rs.12,600/-**.

47. Deceased was 32 years of age, as such, multiplier of '16' is applicable and on application of said multiplier, the loss of income or loss of dependency comes to **Rs.24,19,200/-** (12,600/- x 12 x 16) and this amount is awarded as compensation to petitioners.

48. Besides this, the petitioners are also entitled to be compensated on conventional heads i.e., the petitioner No.2, being son of the deceased, is entitled to be compensated under the head of 'Filial Consortium' to the tune of Rs.44,400/- in view of the ratio laid down in **Megma General Insurance Company Co. Ltd. Vs. Nanu Ram alias Chuhru Ram, 2018 Law suit (SC) 904** and said amount is enhanced in view of ratio laid down in *Pranay Sethi*, supra, wherein it is held that after every three years, the compensation is to be enhanced by 10% from the base amount of Rs.40,000/- and the said amount is awarded to the petitioner No.2 under this head.

49. Similarly, the petitioner No.1, being wife of the deceased, is also entitled to the compensation on conventional heads by 10% enhancement i.e., loss of estate, which is assessed at the rate of Rs.16,500/-, loss of consortium, at the rate of Rs.44,000/- and funeral expenses to the tune of Rs.16,500/-, which comes to Rs.77,000/-. Thus,

total of which comes to **Rs.1,21,400/-** (44,400/- + 77,000/-) and said amount is also awarded to petitioners.

50. Besides this, the deceased was resident of village Chachorbas, Tehsil Pangi, District Chamba and after the accident, firstly the deceased was taken to hospital at Keylong, where he was declared brought dead and his dead body was taken to his native place. So, the expense must have been incurred by the petitioners for transportation of his dead body from District Hospital Keylong to Pangi, which is assessed to the tune of **Rs.15,000/-** and the same is hereby awarded to the petitioner on this head.

51. Thus, petitioners are held entitled to compensation of **Rs.25,56,000/-** (24,19,200/- + 1,21,400/- + 15,000/-) (**Rupees Twenty Five Lakh, Fifty Six Thousand Only**), which is computed as under:-

Age	:	32 years
Multiplier	:	16
Income	:	12,000/-
Future prospectus @ 40%	:	560/-
Gross Income	:	16,800/-
Deduction towards personal expenses 1/4th	:	4200/-
Net income	:	12,600/-
Pecuniary loss/loss of dependency	:	24,19,200/-
Compensation under filial consortium @ 44,000/- each to petitioner No.2.	:	44,400/-

Compensation on loss of consortium to petitioner No.1	:	44,400/-
Compensation on loss of estate to petitioner No.1 (wife) Rs. 16,500/-	:	16,500/-
Compensation on account of funeral expenses	:	16,500/-
Compensation on account of transportation of dead body	:	15,000/-
Total	=	Rs.25,56,000/-

In view of aforesaid discussion, issue No. 2 is decided in favour of petitioners and against respondents, being owners and driver and are held jointly and severally liable to pay the compensation. Thus, the petitioner is held entitled to **Rs.25,56,000/- (Rupees Twenty Five Lakh, Fifty Six Thousand Only)**, and issue No.2, thus, decided in favour of the petitioners.

52. Now question arises as to who shall indemnify the claimants. The respondent No.2 has placed on record insurance policy Ext. RW-1/C and perusal of the same reveals that the vehicle is duly insured with the respondent No.3 for a period from 14.07.2022 to 13.07.2023 with the respondent No.3 and the accident has taken place on 23.09.2022, in which, Sham Singh has died, who was third party of the respondents No.1 and 2 and vehicle was duly insured for third party claim. Hence, all the respondents are held vicariously liable to indemnify the petitioners, being legal heirs of deceased Sham Singh. Since the offending vehicle was duly insured with the Insurance Company/ respondent

No.3, as such, in discharge of its contractual liability towards respondents No.1 and 2, the owner and the driver, the said amount is to be deposited/paid by the respondent No.3, being insurer of the vehicle in question. Hence, issue No.2 is decided in favour of the petitioners and against both respondents.

RELIEF:-

53. As a sequel to the findings returned on the aforesaid issues, the petition succeeds and accordingly, the petition stands allowed with costs of **Rs.3,000/-**. Petitioners are awarded compensation of **Rs.25,56,000/- (Rupees Twenty Five Lakh, Fifty Six Thousand Only)**, along with interest @ 7.5% per annum from the date of filing of the petition till the deposit / payment of the award amount. The respondent No.3 is held liable to pay the amount of said compensation and is directed to deposit/pay the award amount within a period of 30 days from today.

54. The amount awarded to the petitioner is inclusive of the amount, if any, awarded under Section 140 of the Motor Vehicles Act. The awarded amount shall be apportioned amongst the petitioners i.e., the petitioner No.1 is entitled to 50% and petitioners No.2 is entitled to 30 % and petitioner no. 3 is held entitled to 20% each, out of the total compensation amount.

55. Perusal of the record reveals that, the claimants have not furnished their bank account details along with PAN

cards etc on record, as such, they are directed to furnish the same within fifteen days from today. Thereafter, the respondents are directed to deposit / pay the said awarded amount within a period of 30 days from today in the bank accounts of the claimants, under intimation to this Tribunal.

56. The amount awarded to the petitioners is inclusive of the amount, if any, awarded under Section 140 of the Motor Vehicles Act. Memo of costs be prepared accordingly. The file, after its due completion, be consigned to the record room.

**Announced and signed in the open Court on this
4th day of July, 2026.**

(P. C. Rana)

Motor Accident Claims Tribunal-I
District Kullu, Himachal Pradesh.

LIST OF WITNESS

Sr. No.	Name of Witness	Whether witness of petitioners or respondents
Petitioner:		
1.	PW-1 Kamlesh Kumari	Witness of petitioners.
2.	PW-2 HC Kishori Lal	-do-
3.	PW-3 Dr. Raj Kumar	-do-
Respondent:		
1.	RW-1 Parth	Witness of respondents No.1 and 2.

LIST OF EXHIBITS

Exhibit No.	Date of Exhibit	Description of Exhibit.
Petitioner:		
Ext. PW-1/A	05.05.2026	Affidavit of Kamlesh Kumari.
Ext. PW-1/B	-do-	Aadhar card of Kamlesh Kumari.
Ext. PW-1/C	-do-	Copy of Aadhar card of Paan Dei.
Ext. PW-1/D	-do-	Birth Certificate.
Ext. PW-1/E	-do-	Copy of legal heir certificate
Ext. PW-2/A	-do-	Copy of FIR.

Ext.PW-3/A	-do-	Post mortem report.
Respondent:		
Ext. RW-1/A	05.06.2026	Copy of DL of respondent Path
Ext. RW-1/B	-do-	Copy of RC.
Ext. RW-1/C	-do-	Insurance Policy.
Ext. R-A	25.06.2026	Copy of Insurance of Vehicle No. HP-42-2570.

(P. C. Rana)Motor Accident Claims Tribunal-I
District Kullu, Himachal Pradesh.