IN THE COURT OF MS. MANJOT KAUR
MOTOR ACCIDENT CLAIMS TRIBUNAL, RUPNAGAR
(UID No. PB0097)

MACP Case No.265/2022
Date of Institution: 21.12.2022/02.05.2023
CNR No.PBRO01-0059902022
Date of Decision: 01.07.2026

1. Sarla wife of Vinod Kumar,
2. Vinod Kumar son of Karam Singh, both residents of Kapil Vihar Colony, Saharanpur.

…..Claimants

Versus

1. Sourabh Kumar son of Ghanshyam Das, resident of Quarter No.5-F, Police Line Ambala City (Driver of car bearing registration No.HR-02-AT-2143).
2. Laxmi Devi wife of Puran Singh, resident of Gurdwara Ke Pass Bathrohan, Naneola Ambala (owner of car bearing registration No.HR-02-AT-2143).
3. Iffco Tokio General Insurance Company Ltd., through its Branch Manager, Branch Office SCO No.C861-862, main road, opposite Bhatha Sahib Chowk, Rupnagar (Insurer of car bearing registration No.HR-02-AT-2143).

….Respondents

Claim petition U/S 166 of Motor Vehicles Act, 1988
for grant of compensation

Present: Sh. Sukhvir Singh Badwal Advocate, Ld. Counsel for the claimants.
Respondent No.1 and 2 ex parte.
Sh. Amit Gupta Advocate, Ld. Counsel for respondent No.3-Insurance Company.

AWARD

1) Sarla and Vinod Kumar (hereinafter referred to as 'claimants') have filed the present claim petition under Section 166 of the Motor Vehicles Act against Sourabh Kumar and others (hereinafter referred to as 'respondents') for grant of compensation to the tune of Rs.60,00,000/-, claimants being mother and father of deceased Abhay Pratap Singh son of Vinod Kumar, resident of Kapil Vihar Colony, Saharanpur. Said Abhay Pratap Singh is stated to have died in a motor vehicular accident, which took place on 09.11.2022. The age of deceased Abhay Pratap Singh at the time of accident, has been mentioned as 22 years and deceased Abhay Pratap Singh is stated to have been working as as Jr. Process Executive-CSR/AR in the office of Top Business Consultancy Service Private Limited, SCO 8, 4th Floor, Sector-5, Panchkula. The income of the deceased has been mentioned as Rs.40,000 per month.

2) Briefly stated, the facts of the case are that on 09.11.2022, after office hours, Abhay Pratap Singh (since deceased), on his motorcycle bearing No.UP-11-BM-4966, was going towards TDI City, Sector 110, Mohali, for meeting his friend. At about 04:40 A.M., while reaching near Village Bhago Majra, Sohana-Bhago Majra Road, a car bearing No.HR-02-AT-2143, came from behind at a high speed, in a rash and negligent manner and struck against the motorcycle of Abhay Pratap Singh. Due to the impact, Abhay Pratap Singh fell down in the khatan and sustained multiple head injuries. Abhay Pratap Singh was taken to IVY Hospital,

Sector 71, Mohali, where the concerned doctor declared Abhay Pratap Singh as brought dead. It has been submitted that driver of car bearing No.HR-02-AT-2143 i.e. respondent No.1, after having caused the accident ran away from the spot. The accident had taken place due to the rash and negligent driving of respondent No.1/driver of offending car. FIR was got registered with regard to the accident at Police Station Sohana against driver of the offending car i.e. respondent No.1. With these averments, a prayer has been made for grant of compensation to the tune of Rs.60,00,000/- along with interest @ 12% per annum from the date of filing of petition till its realization.

3) In pursuance to the notice, respondent No.1 and 2, initially, appeared through their counsel. However, later on neither respondent No.1 and 2 nor their counsel appeared to pursue the present petition and accordingly, respondent No.1 and 2 were proceeded against ex parte vide order dated 13.04.2023.

4) Respondent No.3 i.e. IFFCO TOKIO General Insurance Company appeared through its counsel and filed written statement, thereby taking preliminary objections that the present claim petition is not maintainable; petitioners having no locus standi or cause of action to file the present petition; this Tribunal has no jurisdiction to entertain the petition and the petition has been filed beyond limitation. At the time of alleged accident, driver of alleged car bearing registration No.HR-02-AT-2143 was not holding a legal and valid driving licence and other relevant documents.

No intimation of the alleged accident was given by respondent No.1 and 2 to the answering respondent. Involvement of car bearing No.HR-02-AT-2143 in the accident, has been denied. It has been submitted that in the event of passing of any award, the interest rates on the award cannot be more than what is prevailing in the nationalized banks at present. The liability of the answering respondent, if any, is as per the terms and conditions of the insurance policy and as per the provisions of the Motor Vehicles Act. On merits, denying rest of the averments made in the petition, a prayer has been made for dismissal of the same.

5) From the pleadings of the parties, the following issues were framed vide order dated 26.05.2023:-

1. Whether Abhay Pratap Singh died in a motor vehicular accident, which took place on 09.11.2022 at about 04:40 A.M within the jurisdiction of Police Station Sohana, caused by respondent No.1 while driving car bearing No.HR-02-AT-2143 rashly and negligently?OPP
2. If issue No.1 is decided in affirmative, whether the claimants are entitled to receive compensation? If so, to what extent and from which of the respondent(s)?OPP
3. Whether respondent No.1/driver was not holding a valid and effective driving licence at the time of the alleged accident? If so, its effect?OPR3
4. Whether vehicle in question was being driven without valid RC, route, permit and fitness certificate at the time of alleged accident? If so, its effect?OPR3
5. Relief.

6) To prove his case, claimant No.2 Vinod Kumar (father of the deceased and eye-witness to the accident) examined himself as PW1. By way of documentary evidence, the claimants have tendered into evidence documents i.e. supplementary statement of Vinod Kumar (claimant No.2) made before the police as Ex.P1; copy of Aadhaar Card of deceased Abhay Pratap Singh as Ex.P2; post-mortem report of deceased as Ex.P3; copy of FIR No.463/09.11.2022 as Ex.P4; salary slip of Abhay Pratap (since deceased) for the month of October 2022 as Ex.P5; copy of final settlement of deceased with his employer as Ex.P6; copy of employment offer letter of Abhay Pratap Singh (since deceased) as Ex.P7; copy of income tax return as Ex.P8; copy of challan/report under Section 173 Cr.P.C presented against accused Sourabh Kumar (respondent No.1 herein) in FIR No.463 as Ex.P9; copy of Aadhaar Card of claimant No.1 Sarla as Ex.P10; copy of PAN card of claimant No.1 as Ex.P11; copy of Aadhaar Card of claimant No.2 Vinod Kumar as Ex.P12; copy of PAN card of claimant No.2 as Ex.P13; copy of driving licence of Sourabh Kumar respondent No.1 as Ex.P14 and copy of registration certificate (RC) of offending car bearing No.HR-02-AT-2143 as Ex.P15.

7) In order to rebut the claim of the claimants, respondent No.3, the insurance company has not led any oral evidence. However, Ld. counsel for respondent No.3 has tendered into evidence insurance police of offending car bearing No.HR-02-AT-2143 as Ex.R1 and closed the evidence on behalf of respondent No.3 vide separate statement.

8) I have heard the learned counsel for the parties and have also gone through the record on file very carefully. My issue wise findings on the above noted issues are as under:-

ISSUE NO.1

9) Since the petition stands filed under Section 166 of Motor Vehicles Act, the claimants were under an obligation to prove that the offending vehicle, at the stated time and place, was being driven by respondent No.1 in a rash and negligent manner.

10) In order to prove the same, claimant No.1 Vinod Kumar, eye-witness to the accident, examined himself as PW1. He deposed that the claimants were fully dependent upon the income of Abhay Pratap Singh (since deceased). Deceased was working as Jr. Process Executive-CSR/ AR with Top Business Consultancy Service Pvt. Ltd., situate at Panchkula. He stated that on 09.11.2022, after office hours, Abhay Pratap Singh (since deceased), on his motorcycle bearing No.UP-11-BM-4966, was going towards TDI City, Sector 110, Mohali, for meeting his friend. At about 04:40 A.M., when he reached near Village Bhago Majra, Sohana-Bhago Majra Road, a car bearing No.HR-02-AT-2143, came from behind at a high speed, in a rash and negligent manner and struck against the motorcycle of Abhay Pratap Singh. Due to the impact, Abhay Pratap Singh fell down in the khatan and sustained multiple head injuries. Abhay Pratap Singh was taken to IVY Hospital, Sector 71, Mohali, where the concerned doctor declared Abhay Pratap Singh as

brought dead. He stated that he had witnessed the accident as he was following Abhay Pratap on separate vehicle. He further stated that driver of car bearing No.HR-02-AT-2143 i.e. respondent No.1, after having caused the accident had run away from the spot. The accident had taken place due to the rash and negligent driving of respondent No.1/driver of offending car.

11) On the basis of statement of claimant No.1 Vinod Kumar (PW1), FIR bearing No.463 dated 09.11.2022 under Section 279, 304A, 427 IPC (Ex.P4) was registered at Police Station Sohana. Claimants have also proved on record challan/report under Section 173 Cr.P.C as Ex.P9 presented before the Court against accused Sourabh Kumar (respondent No.1) in case titled 'State Vs. Sourabh Kumar'. PW1 withstood a lengthy cross-examination but nothing could be extracted therefrom, which could impeach his credibility. His deposition was consistent throughout with regard to the manner in which the accident had taken place. FIR Ex.P4 in the instant case was registered on the basis of statement of PW1 Vinod Kumar and the contents of FIR Ex.P4 corroborates the version of PW2.

12) Ld. Counsel for respondent No.3, the insurance company has argued that the registration number of the alleged offending vehicle has been mentioned in the FIR as HR-02-AL-2143, whereas the present claim petition has been filed against the vehicle bearing No.HR-02-AT-2143 and therefore, the present claim petition is liable to be dismissed. On the other hand, Ld. Counsel for the claimants has submitted that

claimant No.2 Vinod Kumar had witnessed the accident caused by respondent No.1 while driving the offending car bearing No.HR-02-AT-2143. However, due to shock and nervousness, claimant No.2 Vinod Kumar got recorded registration number of the offending vehicle as HR-02-AL-2143 instead of HR-02-AT-2143. The claimants have also placed on record Ex.P1 i.e. supplementary statement of Vinod Kumar got recorded by him before the police, wherein he stated that he had wrongly got recorded registration number of the offending vehicle in the FIR as HR-02-AL-2143, as at that time he was under shock/nervousness and whereas the correct registration number of the offending vehicle was HR-02-AT-2143. In view of the supplementary statement Ex.P1, the argument of the Ld. Counsel for the respondent No.3 does not carry weight.

13) Thus, in all these circumstances, it stands proved on file that respondent No.1/driver Sourabh Kumar was driving the offending vehicle bearing No.HR-02-AT-2143 at the relevant time, in a rash and negligent manner. It is settled law that the Tribunal has to decide the case on the basis of preponderance of probability and does not require strict proof as in a criminal trial. This observation stands fortified from the judgment of the Hon'ble Apex Court in case titled ***"Anita Sharma and others Vs. The New India Assurance Co. Ltd. and another (2021) 1 SCC 171"***. Thus, it stands proved in the case in hand that respondent No.1 was driving the offending vehicle in question in a rash and negligent manner

at the time of accident.

14) The claimants were further to prove that the deceased died due to injuries sustained by him in the said accident. The testimony of PW1, the eye witness, stands corroborated from the postmortem report Ex.P3, which indicates that the death of deceased was caused due to ‘cranlocerebral damage consequent upon blunt force/surface impact trauma to head’, which was sufficient to cause death in an ordinary course of nature’.

15) In view of the above-mentioned discussion, Issue No.1 stands decided in favour of the claimants and against the respondents as claimants have successfully proved that deceased Abhay Pratap Singh had died in the accident on 09.11.2022 caused due to rash and negligent driving of respondent No.1 while driving the offending vehicle bearing registration No.HR-02-AT-2143.

ISSUE NO.3 & 4

16) Onus to prove both these issues was upon respondent No.3, the Insurance Company. Respondent No.1 was the driver while respondent No.2 was owner of the offending vehicle bearing No.HR-02-AT-2143. Ex.P14 is the copy of driving licence of respondent No.1, which shows its validity, for non-transport vehicles, upto 23.10.2031. Ex.P15 is copy of registration certificate (RC) of the offending vehicle bearing No.HR-02-AT-2143 showing claimant No.2 as owner and the same is valid upto 09.09.2025. Ex.R1 is copy of insurance policy indicating that respondent

No.2 was owner of the offending vehicle bearing No.HR-02-AT-2143 and the same was duly insured with respondent No.3 from 16.06.2022 to 15.06.2023. The accident in the case in hand had occurred on 09.11.2022. Hence, the driver of the offending vehicle i.e. respondent No.1 was holding valid documents at the time of accident and accordingly, both these issues are decided against respondent No.3, the Insurance Company.

ISSUE NO.2

17) Onus to prove Issue No.2 was on the claimants. Claimant No.2 Vinod Kumar is father of deceased Abhay Pratap Singh, who deposed as PW1. In his deposition, he stated that both the claimants have suffered huge loss due to the untimely death of Abhay Pratap Singh. He further deposed that deceased was taking care of the claimants. He was working as Jr. Process Executive-CSR/AR in the office of Top Business Consultancy Services Private Limited, Sector 5, Panchkula and earning Rs.40,000/- per month. Both the claimants were dependent upon him. Ld. Counsel for the claimants has submitted that deceased Abhay Pratap Singh was working as Jr. Process Executive CSR on contractual basis in the office of Top Business Consultancy Services Private Limited, Sector-5, Panchkula and his monthly salary was Rs.17,578/- as is evident from salary slip Ex.P5 and therefore, his monthly salary be taken into consideration accordingly. On the other hand, Ld. Counsel for respondent No.3, the insurance company, has contended that the said

salary slip Ex.P5 stated to be of deceased Abhay Pratap Singh, has not been proved on record as per law by examining the concerned official of the company, where the deceased is stated to have been working and thus, the monthly income of the deceased is not proved on record.

18) To prove the monthly income of deceased Abhay Pratap Singh, the claimants have relied upon Ex.P5 i.e. salary slip stated to be for the month of October 2022. The claimants have not examined concerned official of the company, where the deceased is stated to be working as Jr. Process Executive. Hence, pay slip Ex.P5 cannot be relied upon in the absence of author of the same. Further, the claimants have placed on record ITR-1 of the deceased for the assessment year 2020-21 as Ex.P8, which shows annual income of deceased as Rs.3,03,286/-. In Motor Accident Claims Tribunal (MACT) cases, an Income Tax Return (ITR) is a crucial statutory document for determining compensation. If the official ITR acknowledgment or digitally verified receipt (ITR-V) is not proven or provided, Courts will disregard the ITR to avoid fabricated claims. In view of the case law titled "*New India Assurance Co. Ltd Vs. Sonigra Juhi Uttamchand*", decided on 02.01.2025 by the Hon'ble, Supreme Court, ITRs can only be considered if the payment of tax and return filing are appropriately brought into evidence. However, in the case in hand, the claimants have placed on record xerox copy of income tax return pertaining to the financial year 2020-21, which is not admissible evidence as the claimants have not proved the same as per

law by examining the concerned official of the Income Tax Department or by placing on record digitally verified receipt (ITR-V). Thus, the document Ex.P8 qua the annual income of the deceased, cannot be taken into consideration.

19) Thus, in the case in hand, but for the bald statement of claimant No.2, there is no evidence on file with regard to income of the deceased. Therefore, in view of the law laid down in ruling ***Neeta and others Vs. Divisional Manager, Maharashtra State Road Transport Corporation, Civil Appeal Nos.348-349 of 2015 arising out of SLP © Nos.4897-4897 of 2014, decided on 13.01.2015,*** minimum wages are to be applied where there is no document regarding income. In the present case, there being no plausible evidence regarding income of the deceased, minimum wage as per Punjab Minimum Wages effective from 1st September, 2022 onwards, is to be considered and which for skilled class is Rs.11,584.68ps. Accordingly, the monthly income of deceased Abhay Pratap Singh is hereby assessed as Rs.11,600/- (rounded off) per month for the purpose of calculation of compensation.

20) The age of deceased Abhay Pratap Singh has been mentioned in the claim petition as 22 years. As per Aadhaar Card Ex.P2 of deceased Abhay Pratap Singh, his date of birth is 13.01.2000. The date of accident in the present case is 09.11.2022. Thus, the age of deceased at the time of accident was 22+. So, the case of deceased would fall in the category of age group ‘21-25’ years and multiplier of ‘18’ is to be applied.

21) As regards the loss of future prospects, in view of the law laid down in ruling **National Insurance Co. Ltd. Vs. Pranay Sethi and others 2017 SCC Online SC 1270** and keeping in view the fact that age of the deceased was less than 40 years as on the date of accident and was self employed, future prospects are to be considered as 40%.

22) Admittedly deceased Abhay Pratap Singh was unmarried at the time of his death. Accordingly, in view of the judgment of the Hon'ble Supreme Court passed in a case titled as **"Sarla Verma and Others Versus Delhi Transport Corporation and another" reported in 2009 ACJ 1298,** 50% deduction in the annual income is to be made on account of personal and living expenses.

23) As regards the loss of consortium, the Hon'ble Constitution Bench in case ***"National Insurance Company Limited vs Pranay Sethi and Ors."*** has held that Rs.40,000/- is to be given towards loss of consortium which is to be increased by 10% after every three years w.e.f 31.10.2017. Therefore, the claimants are entitled to the amount of Rs.44,000/- towards loss of consortium. Similarly, the Hon'ble Supreme Court in National Insurance Company's case (supra) has held that claimants are entitled to Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate, which is to be increased by 10% after every three years from 31.10.2017. Thus, the claimants are entitled to Rs.16,500/- towards funeral expenses and Rs.16,500/- towards loss of estate.

24) Accordingly, the amount of compensation as payable in this case is

as follows:

Sr. No.	Heads	Amount (in Rupees)
1.	Annual income (₹11,600/- x 12)	₹1,39,200/-
2.	Future prospects @ 40%	₹55,680/-
3.	Total annual income including future prospects	₹1,94,880/-
4.	Less income tax	Nil (total annual income is not taxable)
5.	Deduction 1/2 (being unmarried)	₹1,94,880/- - ₹97,440/- = ₹97,440/-
6.	Multiplicand (annualized)	₹97,440/-
7.	Multiplier (18)	₹97,440/- x 18 =₹17,53,920/-
8.	Loss of consortium	₹44,000/-
9.	Loss to estate	₹16,500/-
10.	Funeral expenses	₹16,500/-
	TOTAL	**₹18,30,920/-**

25) The claimants are thus held entitled to compensation to the tune of **₹18,30,920/-**. Issue No.2 is hereby decided accordingly in favour of the claimants and against the respondents.

ISSUE NO. 5 (RELIEF)

26) In view of my findings on the aforementioned issues, the claim petition succeeds and the same is partly allowed with costs accordingly. The Claimants are held entitled to compensation to the tune of **₹18,30,920/-** along with interest @ 7.5% per annum payable by the respondents from the date of filing of the petition within two months from today, with primary liability of insurer i.e. respondent No.3. The above-said compensation amount is ordered to be apportioned among the

claimants/petitioners as under:-

1.	Sarla (mother of the deceased)	50%
2.	Vinod Kumar (father of the deceased)	50%

27) The respondents are directed to pay the said amount within two months from today to claimant No.1 and 2 along with interest mentioned above, failing which interest @ 9% per annum shall be liable to be paid on the awarded amount from the date of filing of the present petition till its realization. Compensation amount be disbursed vide account payee cheques issued in the name of the claimants/petitioners.

28) The amount falling to the share of claimants shall be directly paid by the respondents in the form of RTGS on their submitting latest account numbers of some Nationalized Bank.

29) Counsel fee is hereby assessed as Rs.2,000/-.

30) Memo of costs be prepared. File be consigned to the record room after due compliance.

Pronounced in open Court:
Dated: 01.07.2026
Anis STG

(**Manjot Kaur**)
Motor Accident Claims Tribunal,
Rupnagar(UID No. PB0097).

ANIS AHMED
"I attest to the accuracy and authenticity of this document."