IN THE COURT OF UPINDER SINGH JANDU,
MOTOR ACCIDENT CLAIM TRIBUNAL, SANGRUR.
[UID:PB0842]

CNR No.

PBSG01048702023

Case No. MACP/116 dated 25.05.2023

Presented on : 24.05.2023

Registered on : 25.05.2023

Decided on : 02.02.2026

Claimants	Versus	Respondents
1. Jaswinder Singh son ofGurnam Singh (deceased) through legal representative 1-A Karnail Kaur wife of Gurnam Singh, resident of village Meemsa, Tehsil Dhuri, District Sangrur (mother of deceased claimant number 1) 2. Jaspreet Singh aged about 13 years minor son of late Jaswinder Singh through his next friend and natural guardian i.e. Karnail Kaur; 3. Simranjit Kaur aged about 10 years minor daughter of late Jaswinder Singh through her next friend and natural guardian i.e. Karnail Kaur; 4. Maan Singh aged about 9 years minor son of late Jaswinder Singh through his next friend and natural guardian i.e. Karnail Kaur; all residents of village Meema, Tehsil Dhuri, District Sangrur.		1. Manpreet Singh son of Amarjeet Singh, resident of Janta Nagar, Dhuri, Tehsil Dhuri, District Sangrur. (Driver of offending vehicle i.e. Ertiga Car bearing Temporary registration number TO-123PB-1759A) 2. Nirmal Singh son of Baldev Singh, resident of village Gobindpura, Jawaharwala , Tehsil Lehra, District Sangrur. (Owner of offending vehicle i.e. Ertiga Car bearing Temporary registration number TO-123PB-1759A) 3. Iffco Tokio General Insurance Company Limited, 2nd floor above Hotel Hot Chop, Kaula Park, Mubarik Mehal Colony, Sangrur through its Branch Manager (Insurer of offending vehicle i.e. Ertiga Car bearing Temporary registration number TO-123PB-1759A)

(Upinder Singh Jandu)
Motor Accident Claims Tribunal,
Sangrur.(UID Number PB00842)

Claim Petition under Section 166 of Motor Vehicle Act.

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Present:- Sh. N.P.S.Nagra, Advocate for claimants.
Sh. R.S.Jhangir, Advocate for respondents number 1 and 2.
Sh. V.K.Jindal, Advocate for respondent number 3.

FORM 'A'

Claimants	1. Jaswinder Singh son ofGurnam Singh (deceased) through legal representative 1-A Karnail Kaur wife of Gurnam Singh, resident of village Meemsa, Tehsil Dhuri, District Sangrur (mother of deceased claimant number 1) 2. Jaspreet Singh aged about 13 years minor son of late Jaswinder Singh through his next friend and natural guardian i.e. Karnail Kaur; 3. Simranjit Kaur aged about 10 years minor daughter of late Jaswinder Singh through her next friend and natural guardian i.e. Karnail Kaur; 4. Maan Singh aged about 9 years minor son of late Jaswinder Singh through his next friend and natural guardian i.e. Karnail Kaur; all residents of village Meema, Tehsil Dhuri, District Sangrur.
Represented by	Sh. N.P.S.Nagra, Advocate for claimants.
Respondents number 1 and 2.	1. Manpreet Singh son of Amarjeet Singh, resident of Janta Nagar, Dhuri, Tehsil Dhuri, District Sangrur. (Driver of offending vehicle i.e. Ertiga Car bearing Temporary registration number TO-123PB-1759A) 2. Nirmal Singh son of Baldev Singh, resident of village Gobindpura, Jawaharwala , Tehsil Lehra, District Sangrur. (Owner of offending vehicle i.e. Ertiga Car bearing Temporary registration number TO-123PB-1759A)

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Represented by	Sh. R.S.Jhangir, Advocate for respondents number 1 and 2.
Respondent number 3	Iffco Tokio General Insurance Company Limited, 2nd floor above Hotel Hot Chop, Kaula Park, Mubarik Mehal Colony, Sangrur through its Branch Manager (Insurer of offending vehicle i.e. Ertiga Car bearing Temporary registration number TO-123PB-1759A)
Represented by	Sh. V.K.Jindal, Advocate for respondent number 3.

FORM 'B'

A. Claimants Witnesses:

Rank	**Name**	**Nature of Evidence**
CW1	Amarjit Singh	Eye witness
CW2	Jaswinder Singh	Claimant number 1

B. Respondents Witnesses:

Rank	**Name**	**Nature of Evidence**
RW1	Kirti Garg	Legal executive, TP Claim, Iffco Tokio General Insurance Company limited.

LIST OF PLAINTIFF/DEFENDANT /COURT EXHIBITS

A. Claimants Exhibits:

Sr. No.	**Exhibit Number**	**Description**
1.	Ex.C1	FIR
2.	Ex.C2	Post-mortem report of Gurpreet Kaur
3.	Ex.C3	Death certificate of Gurpreet Kaur
4.	Ex.C4	Aadhar Card of deceased
5.	Ex.C5 to Ex. C8	Aadhar Cards of claimants

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B. Respondents Exhibits:

Sr. No.	Exhibit Number	Description
1.	Mark A	Registration Certificate
2.	Mark B	Insurance Policy
3.	Mark C	Driving license
4.	Mark D	Temporary Registration Certificate
5.	Ex. RW1/A	Affidavit of Kirti Garg
6.	Ex. R1	Authorization Letter
7.	Ex. R2	Notice to produce Permit
8.	Ex. R3	Affidavit of Clerk
9.	Ex. R4 and Ex. R5	Postal Receipts
10.	Ex. R6	Certificate cum Policy Schedule

AWARD:

1. The claimants have filed this claim petition under Section 166 of the Motor Vehicles Act, 1988, for grant of compensation on account of the death of Gurpreet Kaur being wife and mother of claimants in a motor vehicle accident.

2. In the claim petition, it is pleaded by the claimant that on 24.04.2023 at about 11:15 AM, deceased along with other ladies i.e. Charanjit Kaur, Gurmail Kaur, Inderjit Kaur and gents were doing the work under MANREGA Scheme at Dhuri to Bagrian Road. Then Amarjit Singh went to give tea to deceased. When they were sitting by the side of road to take tea then one Ertiga car bearing Temporary registration number TO-123PB1759A came from the side of village Bagrian which was driven in a rash and negligent manner by its driver who hit his car into the deceased and other ladies sitting on the kacha passage of the road.

They sustained multiple injuries on their bodies. Then they were taken to Government Hospital, Dhuri where the Medical Officers attended the deceased and others. The post-mortem of deceased Gurpreet Kaur was conducted. The accident had taken place due to rash and negligent driving of respondent number 1 while driving the offending vehicle. The deceased was a home maker and was taking care of buffaloes and also doing seasonal work. She was hale and hearty. The claimants are deprived of the love and affection of the deceased. They have suffered a lot due to untimely death of deceased. No body has remained in the house to look after the claimants. The future of the claimants has been ruined. They suffered mentally, psychologically and physically. Respondent number 1 is the driver and respondent number 2 is the owner of the above said vehicle. Respondent number 3 is the insurer of the vehicle in question. As such, all the respondents are jointly and severally liable to pay the compensation. Hence, this claim petition for grant of compensation worth Rs.50,00,000/- (Fifty lacs).

3. Notice of the claim petition was issued to respondents. Respondents number 1 and 2 appeared through counsel and filed their joint written reply to the main petition and pleaded that no accident had taken place due to rash and negligent driving of respondent number 1 as alleged. FIR has been falsely registered against the respondent number 1 by the police in connivance with the claimants only to get compensation from respondents. It is submitted that the vehicle bearing registration

number PB-01D-5428 has been falsely involved in the alleged accident. The said vehicle was insured with IFFCO Tokio General Insurance Company for the period from 10.01.2023 to 09.01.2024. The vehicle is owned by respondent number 2. The answering respondents have no liability to pay the compensation. The liability if any, is of respondent number 3 being the insurer of the car. The other averments of the claim petition were denied being wrong and it is pleaded that the claim petition be dismissed.

4. Respondent number 3 appeared through counsel and filed written reply to the main petition and pleaded that no alleged accident took place with car bearing temporary registration number TO-123PB1759A. False FIR has been registered against the respondent number 1 in connivance with the claimants. The car has falsely been involved just to get the claim with the connivance of claimants and respondents number 1 and 2. Respondent number 2 owner of the alleged car was not holding a valid registration certificate, fitness certificate, route permit etcetera of the aforesaid car in his name at the time of alleged accident as per requirement of Motor Vehicle Act and Insurance Policy. Thus, the answering respondent company has no liability to pay any claim to the claimants. All other material averments of the claim petition have been denied and it has been prayed that same be dismissed.

5. From the pleadings of the parties, the following issues were framed by this tribunal on 15.01.2024:

1. Whether Gurpreet Kaur wife of Jaswinder Singh died in a motor vehicle accident on 24.04.2023 due to rash and negligent driving by respondent number 1 while driving Ertiga bearing Temporary Registration number PB-TO-123PB1759A? OPC

2. If issue number 1 is decided in favour of claimants, whether claimants are entitled to any amount of compensation, if yes, to what extent and from whom? OPC

3. Whether respondent number 1 was holding a valid driving license on the date of accident? OPR

4. Whether the offending vehicle was being driven in contravention of terms and conditions of Insurance Policy? OPR

5. Relief.

6. Learned counsel for the claimants have examined Amarjit Singh as CW1 to prove the manner in which accident has taken place. Further CW2 claimant Jaswinder Singh has himself stepped into the witness box to prove that the deceased was a home maker and was also doing seasonal labour in Manrega scheme at Dhuri and that she died in accidental death on 24.04.2023 on account of rash and negligent driving of offending vehicle by of respondent number 1.

7. Learned counsel for the claimants has placed on record copy of FIR Ex. C1, postmortem report Ex. C2, death certificate of Gurpreet

Kaur Ex. C3, Aadhar card of Gurpreet Kaur Ex. C4, Aadhar Card of Jaswinder Singh Ex.C5, Aadhar card of Jasspreet Singh Ex. C6, Aadhar Card of Simranjeet Kaur Ex. C7 and Aadhar Card of Maan Singh Ex. C8 and closed the evidence on behalf of the claimants. The claimants have proved their interse relationship with the deceased; they being the legal representatives of the deceased.

8. Per contra, learned counsel for the respondents number 1 and 2 have denied the accident and have also stated that the car in question was insured with Iffko Tokio General Insurance Company and liability if any is ascertained by this Tribunal, will be of the Insurance Company to make the payment.

9. However, learned counsel for the respondent number 3 has argued that the car in question was a commercial vehicle and was not having any route permit for Punjab on the date of accident and as such, Insurance Company has no liability to make the payment. Proviso to sub section 4 of section 149 Motor Vehicles Act is no longer there and therefore no award with pay and recover may be passed now and insurer is to be exonerated altogether under the new Act.

10. Learned counsel for the respondents have placed on record copy of Registration Certificate of the vehicle Mark A, Insurance policy Mark B, driving license of respondent number 1 Mark C, Temporary registration certificate of offending vehicle Mark D, Authority letter Ex. R1 and closed the evidence on behalf of the respondents.

11. I have heard the learned counsel for the parties and have carefully perused the file as per assistance rendered by the learned counsels for the claimants and the respondents.

Arguments by the learned counsel for the Claimants:

12. Claimants have examined CW1 Amarjit Singh on whose statement FIR Ex. C1 has been got registered who has proved that the deceased was working in MANREGA Scheme at Dhuri to Bagrian Road on the date of accident. He has been cross-examined at length with regard to the manner in which accident has taken place. He has remained tenacious to his stand that he was present at the time of accident which took place at 11:15 AM. He has stated that he was 5-7 feet away at the time of accident. The accident had happened due to rash and negligent driving of car driven by the respondent number 1 and respondent number 1 absconded along with car after the accident. He knows half registration number of the car and remaining number was tracked from the CCTV camera. He has disclosed the temporary registration number of the car in his cross-examination. Thus, this witness has proved the manner in which accident had been caused by the respondent number 1. He has further proved that the impact of the collision was such that deceased died at the spot and was declared brought dead by the doctor. Her post-mortem was conducted on the next day. FIR was registered on 25.04.2023 and post-mortem had been conducted on 26.04.2023. He has proved the identity of the vehicle involved in the case. He has placed on record FIR Ex. C1 in

which temporary registration number is reflected. Further, claimant CW2 Jaswinder Singh has himself stepped into the witness box to prove his relationship with the deceased being her husband. He has further proved that claimants number 2 to 4 are children of deceased and claimant number 1. Their Aadhar cards have been proved on record as Ex. C5 to Ex. C8 respectively. Further, the death certificate of Gurpreet Kaur has been proved on record by CW2 Jaswinder Singh as ExC3 and in token of proof of age of the deceased, her Aadhar card has been proved on record as Ex. C4 which shows that the date of birth of the deceased is recorded as 10.11.1986. She was thus of the age of 36 years at the time of the accident. This witness has further proved that the deceased was home maker and was also doing part time job as MANREGA worker. He has deposed that the age of the deceased was 34 years and age of their children i.e. claimants number 2 to 4 are 14 years, 13 years and 9 years respectively. He has further stated that his wife was 8th class pass. He has further stated that his wife is working for 10-15 days in a month in MANREGA Scheme. Further CW2 Jaswinder Singh has proved that deceased was young woman and was hale and hearty and was looking after her entire family and was also maintaining the daily chores of the house apart from looking after the children. The entire family is in utter emotional distress on account of accidental death of Gurpreet Kaur. The childhood of the claimants number 2 to 4 has been ruined on account of death of deceased.

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Arguments by learned counsel for respondents:

13. Learned counsel for the respondents number 1 to 3 have denied the accident and have vehemently argued that no such accident has taken place or that false case has been filed by the claimants to seek compensation. Attention of the tribunal has been drawn towards the cross examination of CW2 Jaswinder Singh who has stated in his cross examination that he has not brought any record with regard to proof of income of the deceased from milk vending. He has further stated that he does not have any proof with regard to working of his wife in MANREGA Scheme nor said version has been proved on record by adducing any cogent, convincing and reliable evidence.

14. It has been further argued that vehicle involved in the case is stated to have temporary number 1597-A whereas respondent number 2 is the owner of the vehicle bearing registration number PB-01D-5428. However, document Mark D has been placed on record which shows the temporary number confirms to the registration number PB-01D-5428. The vehicle is insured with Iffco Tokio Insurance Company at the time of accident. The learned counsel for the respondent number 3 has argued that the age of the deceased has not been proved on the record by proving any birth certificate. The post-mortem report reflects the age of the deceased to be of 36 years whereas the claimant has stated that the age of the deceased was 34 years. Further document placed on record by the claimant also shows that he is belying in this regard. It has been argued

that no document has been placed on the record to prove that deceased was working in MANREGA Scheme or was earning any livelihood by working as milk vendor. The deceased was idler and was not doing any job and had no means of income. In this view of the matter, it cannot be stated that claimants were dependant upon the earning of the deceased. It has been argued by the learned counsel for the respondents that the claim petition is not maintainable and the claimants have involved the instant respondents just to claim compensation.

15. Further the learned counsel for Respondent number 1and 2 has drawn the attention of the Tribunal towards the temporary registration certificate Mark D which provides that the Temporary Registration Certificate of vehicle involved in accident was valid from 10.01.2023 to 09.07.2023. Further it has been argued that insurance cover note mark B is exactly similar to insurance cover note Ex R6 and RW1 Ms. Kirti Garg has proved in her cross examination that the engine number and chasis number, name of owner, number of insurance policy, period of issuance and the amount of premium paid is same in both the documents. Rival claims have been maintained by the Respondent number 3 Insurance Company who has asserted that respondent number 2 owner of car involved in the accident was not holding a valid permit of commercial Ertiga car for Punjab as on 24.04.2023 in his name at the time of accident on account of which the liability of insurance company to pay for the claim stands exonerated under the new Act. The attention of the Tribunal

towards the temporary registration certificate Mark D which shows that the Car is recorded as 'AITP' category i.e. All India Tourist Permit in the column 'Place where Vehicle shall be permanently Registered' and Mark A shows date of registration as 22.06.2023. The learned counsel for respondent number 3 has argued that temporary registration certificate is valid only for one month and the car was not having valid registration certificate on 24.04.2023 on the date of accident and on that account also the insurance company is not liable. Perhaps learned counsel for Respondent number 2 has argued that Temporary certificate of Registration Mark D itself has a note on it stating that Temporary registration certificate is valid from 10.01.2023 to 09.07.2023 and the vehicle has been got registered within the given time and as such insurance company will be liable to make the payment of compensation amount in case the Tribunal awards any compensation to the claimants.

The issue wise finding is detailed as under:

ISSUE NO. 1: Whether Gurpreet Kaur wife of Jaswinder Singh died in a motor vehicle accident on 24.04.2023 due to rash and negligent driving by respondent number 1 while driving Ertiga car bearing Temporary Registration number PB-TO-123PB1759A? OPC

16. So far as identity of the vehicle in the case is concerned, Mark D proves that vehicle bearing temporary registration number PB-TO-123PB1759A corresponds with registration number of vehicle of the respondent number 2. CW1 Amarjit Singh at whose instance FIR has

been got registered in this case was present at the spot at the time of stated accident and he has duly proved the manner in which accident took place. The deceased was struck down by rash and negligent driving of vehicle driven by respondent number 1. The impact of the accident was such that deceased was declared brought dead to the hospital. In this view of the matter, claimants have proved that Gurpreet Kaur died in motor vehicle accident on 24.04.2023 which fact further is proved from the FIR Ex. C1 and post-mortem report Ex. C2 in the case. The post-mortem report in the case contains reference qua FIR which shows that the deceased has died in accidental death for which FIR was registered against the owner and driver of the offending vehicle who are respondents number 1 and 2 respectively. The respondents have cross-examined CW1 Amarjit Singh at length to dislodge his version qua stated accident but said witness has stood tenacious to his stand and has proved the manner in which deceased died on account of rash and negligent driving of respondent number 1.

17. In motor vehicle accident claims, the strict principles of evidence do not apply, and claimants do not need to provide proof beyond a reasonable doubt. Instead, the standard of proof is the preponderance of probability, meaning the claimant must show their version of events is more likely true. The Motor Accident Claims Tribunal (MACT) should take a holistic view of all the evidence, such as police reports and witness statements, to determine negligence. Reliance is placed on the findings in **ICICI Lombard General Insurance Co. Ltd. vs. Rajani Sahoo, AIR 2025**

SC 774, wherein Hon'ble Supreme Court has held that, in motor accident claims, the Tribunal is justified in relying on police records, such as FIR and chargesheet, to assess negligence on the touchstone of preponderance of probabilities, rather than strict proof beyond reasonable doubt.

18. Further reliance is placed on the findings in **National Insurance Company Limited versus Sanjay Kumar, II (2011) ACC 75**, wherein it has been held that, "When driver of offending vehicle is facing criminal trial, prima facie it can be presumed that he was responsible for accident." Otherwise also, there is no reason with eye witness to depose falsely or to implicate respondent no.1 driver and to allow the actual culprit to go free. It is pertinent to observe that the degree of proof required for proving the negligence on the part of the driver in the present proceedings, is not as vigorous as is required in proving the guilt of the accused in criminal trial. The intent of the present legislation is benevolent and the entire purpose of the legislation is likely to be defeated if in each case the claimant is required to prove beyond reasonable doubt the involvement and negligence on the part of the driver. Light is drawn from the findings of **Hon'ble Supreme Court in Kaushnuma Begum and others vs. New India Assurance Limited, 2001 ACJ 421 SC** and **National Insurance Company Limited vs. Pushpa Rana, 2009 ACJ 289,** wherein it is held that mere involvement of a vehicle is sufficient to establish and hold the claim petition to be maintainable. It is held that even the certified copy of charge-sheet may not be asked for if the claimant is able to satisfy

on record the involvement of the offending vehicle through the copy of FIR.

19. This Tribunal has given its thoughtful consideration to the rival submissions and on careful perusal of the averments raised in determining Issue number 1, this Tribunal is of the considered view that the collective reading of the documentary and oral evidence brought on record reflects sufficient material to hold that it was the driver respondent number 1 who was involved in the accident. In such circumstances, the claimants have discharged the onus of proving the accident and the death of deceased having been caused in accident due to rash and negligent driving of ertiga car bearing temporary registration number PB-TO-123PB1759A which was subsequently allotted regular registration number PB-01D-5428 having being driven by respondent number 1. Accordingly, this issue is decided in favour of the claimant and against the respondents as the respondents have miserably failed to prove that the death of deceased was not caused in accident with ertiga car bearing registration number PB 01 D 5428.

ISSUE NO. 2: <u>If issue number 1 is decided in favour of claimants, whether claimants are entitled to any amount of compensation, if yes, to what extent and from whom? OPC</u>

20. Admittedly, the claimants are husband and children of the deceased Gurpreet Kaur which has been proved from their Aadhar Cards which have been proved on record by CW2 Jaswinder Singh. It has been

proved that the deceased was of the age of 36 years at the time of accident and was a home maker. She being home maker was looking after the entire family chores and maintaining her children. She was also doing additional work under MANREGA scheme as has been claimed by the claimants. The arguments of the learned counsel for the respondents is apposite that no proof of the deceased being engaged as MANREGA worker has been proved by the claimants by calling any record from MANREGA office or by showing any salary having been drawn by the deceased being MANREGA worker. In this view of matter, financial contribution of the deceased to the family of the claimants is NIL as has been argued by the learned counsel for the respondents is not wholly correct. Perhaps this Tribunal is of the considered view that being home maker, though claimants might not have been contributing financially but she surely was on 24 hours dedicated service towards her family and was looking after her children and domestic chores for which the family of the deceased certainly was solely dependant upon the deceased. She had minor children aged 13 years, 10 years and 9 years respectively and they have been devoid of love and affection of their mother. Their childhood has been ruined on account of death of the deceased. The claimant number 1 has lost his wife in the accident and the claimants number 2 to 4 have lost their mother.

21. Further during the pendency of the claim petition, claimant number 1 Jaswinder Singh has died and Karnail Kaur has been brought on

record as legal heir of Jaswinder Singh claimant in the case by virtue of application under Order 22 Rule 3 CPC. The future of the claimant children has been driven to dungeon hell on account of the death of the deceased. They certainly are in emotional distress on account of death of their mother and even have been devoid of the level of care a mother would have maintained for her children. Now they are even devoid of love and care of their father. In this view of the matter, claimants are entitled to compensation on account of loss of love and affection and also for the untiring and unwavering support and unconditional love and affection which deceased Gurpreet Kaur nurtured towards the claimants. It has been proved on record that deceased died on account of rash and negligent driving of respondent number 1. The respondent number 2 is the owner of the offending vehicle. Respondent number 3 is the insurer of the offending vehicle. The offending vehicle was insured on the date of accident and as such, respondents are jointly and severally liable to make the payment of compensation to the claimants. Accordingly the issue is decided in favour of the claimants and against the respondents.

ISSUE NO. 3: **Whether respondent number 1 was holding a valid driving license on the date of accident? OPR**

AND

ISSUE NO. 4: **Whether the offending vehicle was being driven in contravention of terms and conditions of Insurance Policy? OPR**

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22. Onus to prove both these issues was on the respondent number 3. No evidence has been led by the Insurance Company to prove the validity and legality of the driving Licence of the driver of the offending vehicle. In this view of the matter, this fact has been admitted by the respondent number 3 that driver of the offending vehicle was holding a valid and effective driving license which has been placed on record by respondent number 1 and 2 as Mark C, copy of RC Mark A, copy of Insurance Policy Mark B. No evidence has been led by respondent number 3 to deny these documents which accordingly thus stand admitted as per the legislative provisions contained in Section 58 of the Evidence Act and stands proved as facts admitted need not be proved.

23. Perhaps Insurance Company has examined RW1 Kriti Garg to prove that as registration certificate was not made by the respondent number 2 within a period of 1 month from issuance of Temporary Registration Certificate and the vehicle being All India Tourist Permit Vehicle was not having valid route permit and registration certificate on the date of accident, the liability of Insurance Company if any ceases. However the learned counsel for respondent number 2 has argued that as per the temporary registration certificate Mark D issued by State Transport Department, reads that, “under the provisions of section 43 of the Motor Vehicles Act 1988, the vehicle described above has been Temporarily registered on 10-Jan-2023 and the Temporary registration is valid from 10.01.2023 to 09.07.2023.” The learned counsel for respondent

number 2 has asserted that registration certificate Mark A shows that the vehicle has been registered on 22.06.2023 within the given time frame. Further the insurance policy Mark B correlates with Insurance policy Ex. R1 with regard to the engine number, chasis number, name of owner, number of insurance policy, period of issuance, coverage and the amount of premium paid showing that all these material particulars are same in both the documents. In this view of the matter respondent number 2 has validly proved on record that Temporary Certificate of Registration issued to him by Transport Department, Amritsar RTA Punjab had provided him 6 months time for valid temporary registration and within this given time frame he got the permanent registration done and the vehicle was fully insured within this period. So far limitation to use the vehicle is concerned, RW1 Kriti Garg has deposed in her cross examination that conditions of limitation to use are recorded at mark A on Ex. R6 and limitation to use does not curtail the usage of vehicle for personal purpose. No evidence has surfaced during the evidence that the vehicle was being used for any commercial purpose on the date of accident. No witness has been summoned by the insurance company respondent number 3 from the Transport department to deny the correctness and authenticity of the Temporary Registration Certificate brought by respondent number 2 on the record or to deny the validity of duration of temporary registration certificate. Since the insurance was valid for the vehicle on the date of accident and it was having valid temporary registration as per Mark D; the question of route permit does not arise in view of the statement of RW1 Kriti Garg who has stated there was no limitation on use of vehicle for personal use and no evidence has surfaced that vehicle was being used commercially on the date of accident; thus proving that insurance is liable to make the payment on behalf of respondent number 1 and 2. Reliance is placed on the findings in **IFFCO Tokio General Insurance Co. Ltd. vs. Geeta Devi (SC) AIR 2023 SC 5545**, **wherein Hon'ble Supreme Court has held that** it was for the petitioner-insurance company to prove willful breach on the part of the said vehicle owner. As no such exercise was undertaken, the petitioner-insurance company would have no right to recover the compensation amount from the present owners of the vehicle. To recover the amount, the insurer must prove a "willful breach" of the policy conditions on the part of the owner. Reverting to the factual matrix of the case the insurance company has miserably failed to prove any willful breach of the policy conditions and as such it is not entitled to recover the amount of compensation liable to be paid by it on behalf of respondent number 1 and 2. Accordingly the issues are decided against respondent number 3.

RELIEF:

24. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments raised in the claim petition, perusal of the record, analysis on issues, coupled with the assistance rendered, claimants have miserably failed to prove income of

the deceased Gurpreet Kaur from MANREGA scheme but certainly, they have proved that she was home maker of the family and was the back bone of the family upon which the entire family was dependent towards their up keep, maintenance and for their overall growth, development and nutrition. She being home maker was looking after all the domestic chores of the house, maintenance of the house, maintaining children and even looking after education of the children. Her death certainly has created a void in the life of the claimants and has dented them heavily. Though any amount of compensation cannot restore the happiness and joy of which claimants have been devoid but still providing compensation would give solace to the wailing claimants to which they are entitled to under the law. The claimants have claimed an amount of Rs 50 Lacs on account of death of Gurpreet Kaur alongwith increase on account of future prospects, loss of estate, funeral expenses and loss of consortium.

25. To determine the notional income of deceased it is needfully required to first ascertain and fix the category of work qua which the notional income of deceased is to be calculated. The learned counsel for the claimants has argued that the level of functions discharged by the deceased qualify her services to be reckoned as highly skilled worker; whereas rival contentions have been addressed by the learned counsel for the respondents that the deceased cannot be categorised in any category of worker; she being a home maker. This Tribunal has given its thoughtful consideration to the rival submissions and on careful perusal of the

averments raised in ascertaining the quality of services being rendered by the deceased, this Tribunal is of the considered view that being a home maker is not an easy task. One has to look after the entire household chores including cooking, dusting, clothing, care of children, education of children etcetera. Multitasking is thus the minimum criteria which a home maker fulfills; which to the estimation of this Tribunal is equivalent to the services being provided by a skilled labour.

26. Light is drawn from the vision expressed by **Hon'ble Supreme Court in Arun Kumar Agrawal vs. National Insurance Co. Ltd; (2010) 3 SCC (Cri) 1313 wherein Hon'ble Apex court has remarked that,** **"**In India the courts have recognised that the contribution made by the wife to the house is invaluable and cannot be computed in terms of money. The gratuitous services rendered by the wife with true love and affection to the children and her husband and managing the household affairs cannot be equated with the services rendered by others. A wife/mother does not work by the clock. She is in the constant attendance of the family throughout the day and night unless she is employed and is required to attend the employer's work for particular hours. She takes care of all the requirements of the husband and children including cooking of food, washing of clothes, etc. She teaches small children and provides invaluable guidance to them for their future life. A housekeeper or maidservant can do the household work, such as cooking food, washing clothes and utensils, keeping the house clean, etc., but she can never be a

substitute for a wife/mother who renders selfless service to her husband and children. It is not possible to quantify any amount in lieu of the services rendered by the wife/mother to the family i.e. the husband and children. However, for the purpose of award of compensation to the dependants, some pecuniary estimate has to be made of the services of the housewife/mother. In that context, the term "services" is required to be given a broad meaning and must be construed by taking into account the loss of personal care and attention given by the deceased to her children as a mother and to her husband as a wife."

27. Further reliance is placed on the findings in **Lata Wadhwa vs. State of Bihar, (2001) 8 SCC 197, wherein Hon'ble Supreme Court has held that** if the deceased had survived, her skills as a matured and skilled housewife in contributing to the welfare and care of the family and in the upbringing of the children would have only been enhanced by time and for which reason we hold that the appellants shall be entitled to future prospects @ 40% in addition to the loss of consortium and future expenses already granted. Reliance is also placed on the findings in **Arvind Kumar Pandey vs. Girish Pandey 2025(1) SCC Criminal 662 SC wherein Hon'ble Supreme Court has held that** compensation for the death of a homemaker must adequately reflect her invaluable contribution to the family, even if her income is not tangible, and should not be less than the minimum wages admissible to a daily wager.

28. In the light of these authoritative findings of the Hon'ble

Supreme Court as discussed supra the notional income of deceased Gurpreet kaur in this case will be ascertained while keeping in view table number 2 of the minimum wages issued by the office of the Labour Commissioner, Punjab which provides that w.e.f. 01.03.2023, a skilled labour in the State of Punjab is entitled to monthly wages of Rs. 12,158/-. Accordingly, it can be stated that monthly wages of the deceased was Rs.12,158/-.

29. Factual matrix of the case when is sifted in the light of the authoritative findings of the **Hon'ble Apex Court in Sarla Verma vs. Delhi Transport Corporation AIR 2009 SC 3107**, it is found that the deceased was married and was having children. The three minor children were totally dependant on the deceased for their maintenance, care and upbringing. The husband of the deceased though now expired was also dependant upon the deceased and as such there shall be deduction of $1/4^{th}$ towards dependency in the light of the findings in **Sunita vs. Vinod Singh 2025 INSC 366 SC**. The deceased has been stated to be 36 yrs of age at the time of her death as reflected in the post mortem report. No evidence to the contrary has been brought on record by the respondents denying the age of the deceased. Accordingly, age of the deceased having been ascertained to be 36 years; as per **findings in Sarla Verma's case**, multiplier of 15 shall apply. Future prospects shall be determined at the rate of 40% as per findings in **National Insurance Company Ltd. vs. Pranay Sethi, (2017) 16 SCC 680**.

30. So far as compensation on account of loss of love and affection, consortium, funeral expenses etcetera are concerned, they shall be determined in accordance with the findings of **the Hon'ble Apex Court in Samyak Jain vs. Kesrilal Mehta, (SC) : Law Finder Doc Id # 2783911 decided on 24.09.2025, wherein the Hon'ble Supreme Court has held that** the right to consortium would include the company, care, help, comfort, guidance, solace and affection with the deceased which the family would be deprived of for ever. Each of the dependents will be entitled to separate amount of Rs. 40,000/- towards and under the head of consortium. It is also well settled as per the law laid down in **National Insurance Company Ltd. vs. Pranay Sethi, (2017) 16 SCC 680** that 10% increase would have to be added every three years from the date of the Judgment there under in the amounts to be awarded under the heads of Loss of Consortium, Funeral expenses and Loss of Estate. The table of calculation to which claimants are entitled to as compensation from the respondents is as under:

SERIAL NUMBER	HEAD OF CLAIM	FINDINGS OF TRIBUNAL
1.	Notional monthly income	12,158/-
2.	Income Tax	Nil
3.	Annual income	12158 x 12= 1,45,896/-
4.	Deduction towards personal expenditure 1/4th	36,474/-
5.	Annual loss of dependency	1,45,896 - 36,474= 1,09,422/-
6.	Future Prospects	40% of 1,09,422 =43,769/-
7.	Annual income after addition of future prospects	1,09,422/- + 43,769/- = 1,53,191/-
8.	Multiplier	15
9.	Net Loss of Dependency	1,53,191 x 15=22,97,865/-
10.	Loss of Consortium	48400 x 4= 1,93,600/-
11.	Loss of Estate	18150
12.	Funeral expenses	18150
	Total	25,27,765/-

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31. The array of the parties reveals that respondent number 1 is the driver of the vehicle, respondent number 2 is the owner of the vehicle and respondent number 3 is the insurance company of the vehicle. The insurance was valid on the date of accident. As such, all the respondents number 1 to 3 are jointly and severally liable to make the payment of compensation to the claimants.

Apportionment of Compensation amount:

32. Jaswinder Singh claimant number 1 who was the husband of deceased Gurpreet kaur is reported to have expired during the pendency of the claim petition. In place of Jaswinder Singh his mother Karnail kaur has been impleaded as his LR who is also a Class I heir. Accordingly share of Jaswinder Singh shall be further apportioned into four parts with $1/4^{th}$ each to Claimant number 2 to 4 and remaining $1/4^{th}$ to his mother Karnail kaur. 75% of the award amount shall be apportioned in equal share to the claimants number 2 to 4 which shall be deposited in FDR and shall be released to the claimants on attaining their majority and remaining 25 % share shall be apportioned to Claimant number 1 who being since deceased his share shall further devolve on his LR's which are claimant number 2 to 4 to the tune of $1/4^{th}$ share each which shall also be deposited in separate FDR in name of each claimant and shall be released to them on attaining majority. Remaining $1/4^{th}$ amount of the share of Jaswinder Singh claimant number 1 shall be apportioned to Karnail Kaur being Class I heir of deceased Jaswinder Singh and she being legal

representative of claimants number 2 to 4 will cautiously utilize the said amount for proper up-keep, care, clothing, schooling and education of claimants number 2 to 4. The table of apportionment of compensation is as under:

S No.	Name of Claimant	Share Awarded	Date of entitlement
1.	Jaswinder Singh (deceased) with $1/4^{th}$ share each to: (i) Karnail kaur (ii) Jaspeet Singh (iii) Simranjeet Kaur (iv) Maan Singh	25% of total compensation $1/4^{th}$ share of 25%(to be released forthwith) $1/4^{th}$ share of 25%(FDR) $1/4^{th}$ share of 25%(FDR) $1/4^{th}$ share of 25%(FDR)	$1/4^{th}$ share of Jaswinder Singh falling to Karnail Kaur being Class I heir be released Forthwith; $1/4^{th}$ share each of 25% falling to share of all three claimants number 2 to 4 shall be retained in FDR which shall be released to them on attaining majority.
2.	Jaspreet Singh	25% of total compensation to be retained in FDR	Shall be released to the claimant on attaining maturity
3.	Simranjeet Kaur	25% of total compensation to be retained in FDR	Shall be released to the claimant on attaining maturity
4.	Maan Singh	25% of total compensation to be retained in FDR	Shall be released to the claimant on attaining maturity

33. Consequently as an upshot to the entire discussion the claimants are thus entitled to compensation amount of Rs. 25,27,765/- from the respondents with an interest at the rate of 8 percent from the date of filing the claim petition till realization of the compensation amount. All the respondents are severally and jointly liable to pay the same. Since

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Insurance company respondent number 3 has agreed to indemnify the owner, so it shall meet the liability by payment of the said amount. As Insurance Company has failed to reflect any fault in the driving license and route permit of the respondents number 1 and 2, they are not entitled to recover the amount of compensation to be paid by it on behalf of respondent number 1 and 2 which is covered by their contract of insurance as discussed supra in the light of authoritative findings of **Hon'ble Supreme Court in IFFCO Tokio General Insurance Co. Ltd. vs. Geeta Devi (SC) AIR 2023 SC 5545**. Counsel fee is assessed as Rs.1,000/-. The insurance company respondent number 3 is directed to disburse the amount with interest to the claimants within one month from the date of this Award failing which, it shall be liable to make the outstanding payment due on the date of Award at the interest of 9% after the expiry of period of one month. Memo of costs be prepared and file be consigned to the record room after due compilation.

Pronounced in open Court.
Dated: 02.02.2026

(Upinder Singh Jandu)
Motor Accident Claims Tribunal,
Sangrur.
UID Number PB0842

(Sapna)
Stenographer-I

(Upinder Singh Jandu)
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