

HRSO010121422023



**In the Court of Shri Subhash Chander Sroai, Motor Accidents Claims
Tribunal, Sonapat. (UID:HR0494)**

C.I.S. (M.A.C.P.) No.401 of 2023
Date of Institution : 11.09.2023
Arguments heard on : 01.07.2026
Date of Decision : 01.07.2026

1. Anita wd/o Ajit Singh,
2. Anil son of Ajit Singh,
3. Dinesh son of Ajit Singh, all residents of House No.113, Bichond, Malha Majra, Sonapat.
4. Anju D/o Ajit Singh wife of Rajesh,
5. Mamta D/o Ajit Singh wife of Sombir, both residents of Kaushik Nagar, Dighal, Beri, Jhajjar.
6. Manisha D/o Ajit Singh, W/o Deepak, R/o C-54, Amanpuri, Nangloi, West Delhi, Delhi.

.....Claimants-petitioners

Versus

1. Krishan Kumar son of Palaram, R/o Bangla Chopal Gudha, Gharaunda, District Karnal-132114.

(Driver-cum-owner of offending Vehicle i.e. Car bearing registration No.HR-91B-4956)

2. SBI General Insurance Company Limited having its Head Office at Head Office No.11, Ground Floor, A-Block Building Local, Sansad Marg, New Delhi-110001 through its General Manager.

(Insurer of offending Vehicle i.e. Car bearing registration No.HR-91B-4956)

.....Respondents.

Claim Petition under Section 166 of the Motor Vehicle Act, 1988.

.....

Present: Shri Yogesh Kaushik, counsel for the petitioners.

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Shri Anand Pal Antil, counsel for respondents No.1 (driver-cum-owner).

Shri Joginder Kuhar, counsel for respondent No.2 (insurance company).

.....

AWARD :

Vide this award I proceed to decide the claim petition filed by the petitioner under Section 166 of the Motor Vehicle Act, 1988, as amended up to date for grant of compensation in a road accident.

2. Briefly stated, the facts of the case giving rise to the petition are that on 05.05.2023, Ajit Singh (since deceased) after doing his daily job as operator, was coming back to home by his bicycle and when he reached near about 1 KM from tubewell towards his village, in the meantime, the offending vehicle i.e. Car bearing registration No.HR-91B-4956, which was being driven by respondent No.1 at fast speed and in a rash and negligent manner came from village Nahara side and hit against Ajit Singh (since deceased) from back side, due to which he (Ajit Singh) fell down and received multiple serious injuries. He was taken to General Hospital, Sonapat, where he was declared brought dead. The matter was reported to the police vide FIR No.324 dated 05.05.2023, under Sections 279 and 304-A of Indian Penal Code, 1860, Police Station, Kundli, Sonapat.

3. It is stated that at the time of accident, Ajit Singh (since deceased) was aged about 58 years and having a good physique and health. It is further stated that Ajit Singh (since deceased) was operator

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on 2 tubewell water supply in village and was also a labourer and was earning Rs.35,000/- per month (Rs.25,000/- from service and Rs.10,000/- from labour). It is further stated that the accident was caused due to the rash and negligent driving of offending vehicle by respondent No.1, owned by him and insured with respondent No.2. As such, both the respondents are jointly and severally liable to pay the compensation. In this way, the petitioners have laid a claim of ₹52 lacs along with interest @ 18% per annum from the date of accident till realization of the amount of compensation on account of death of Ajit Singh (since deceased) in the accident in question.

4. Respondent No.1 being the driver and the owner of the offending vehicle, has filed his written statement and has contested the petition on various grounds that no accident took place with vehicle i.e. Car bearing registration No.HR-91B-4956, driven and also owned by him, as alleged. It is further submitted that a false FIR has been got lodged against respondent No.1 in collusion with the local police just to get false claim. The averments made on merits are denied.

5. Respondent No.2-SBI General Insurance Company Limited has also filed separate written statement and has contested the petition on various grounds. It is stated that no accident occurred with the Auto bearing registration No.HR-91B-4956 and the said vehicle was not involved in the alleged accident and a false FIR was got registered after

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due deliberation and manipulation. The age, income, occupation etc. of the deceased and the amount incurred on last rites etc. by the claimants is also disputed. It is further pleaded that respondent No.1 was not holding a valid, effective and genuine driving licence on the date of alleged accident and that the vehicle was being driven against the terms and conditions of insurance policy. The averments made on merits are also denied.

6. From the pleadings of the parties, following issues were framed, vide order dated 08.04.2025 :-

- 1. Whether Ajit Singh died in the accident which occurred on 05.05.2023, within the jurisdiction of Police Station Kundli, caused by rash and negligent driving of offending vehicle/Car bearing registration No.HR-91B-4956, driven and owned by respondent No.1 Krishan Kumar and insured with respondent No.2?OPP*
- 2. If issued No.1 is proved, whether the claimant is entitled to compensation, if so to what amount and from whom ?OPP*
- 3. Whether the respondent no.1 was not holding valid and effective driving licence at the time of accident and the offeneing vehicle was being driven by him in violation of the condition of the insurance policy?OPR3*
- 4. Relief.*

7. In support of their claim, petitioners examined the following witnesses :

Petitioner no.1 Anita herself appeared into the witness box as PW1 and she has adduced her evidence by way of affidavit Ex.PW1/A, wherein she has reiterated the contents of the petition. She has also tendered copy of FIR No.324 dated 05.05.2023, under Sections 279 and

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304-A of Indian Penal Code, 1860, P.S. Kundli Ex.P1, copy of Postmortem report of Ajit Singh (since deceased) Ex.P2, copy of death certificate of Ajit Singh (since deceased) Ex.P3, copy of her (petitioner No.1 Anita) Aadhar Card Ex.P4, copy of her (petitioner No.1 Anita) bank passbook Ex.P5 and copy of her (petitioner No.1 Anita) PAN card Ex.P6.

Petitioner No.2 Anil and eye witness of the accident, has also appeared into the witness box as PW2 and he has adduced his evidence by way of affidavit Ex.PW2/A, wherein, he has re-iterated the contents of the petition and FIR No.324 dated 05.05.2023, under Sections 279 and 304-A of Indian Penal Code, 1860, P.S. Kundli Ex.P1, lodged by him. He has also tendered his Aadhar card Ex.P7.

PW3 ASI Raju, who has stated that he is a summoned witness. He has brought a summoned record Ex.P8 challan, which may kindly read in his evidence.

Thereafter, Ms. Rekha Rathee, counsel for the claimants has closed the evidence on behalf of claimants, vide her statement dated 05.03.2026.

On the other hand, no oral evidence has been led on behalf of the respondent No.1. However, Sh. Anand Pal Antil, Advocate for the respondent no.1 has tendered certified copy of registration certificate of the offending vehicle Ex.R1, certified copy of driving licence of respondent No.1 Ex.R2, certified copy of insurance policy of the

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offending vehicle Ex.R3 and closed the evidence on behalf of respondent No.1, vide his separate statement dated 27.05.2026.

No evidence has been led on behalf of the respondent No.2 and Sh. Joginder Kuhar, Advocate for the respondent no.2 has closed the evidence on behalf of respondent No.2, vide his separate statement dated 05.05.2026.

8. No rebuttal evidence has been led and Shri Yogesh Kaushik, learned counsel for the petitioners closed the rebuttal evidence on behalf of the petitioners vide his separate statement dated 01.07.2026.

9. I have heard learned counsel for the parties and perused the record. My findings on specific issues are as under :-

ISSUE No. 1 :

10. As the petition has been filed under Section 166 of the Motor Vehicles Act, 1988, it was incumbent upon the petitioners to prove that Ajit Singh (since deceased) died in an accident caused due to rash and negligent driving of the offending vehicle i.e. Car bearing registration No.HR-91B-4956 by its driver.

11. To determine the negligence of driver of offending vehicle, it has been held in *National Insurance Company Ltd. Vs. Pushpa Rana & another, 2009, Accident Claims Journal 287*, as follows :-

“The last contention of the appellant insurance company is that the respondents-claimants should have proved negligence on the part of the driver and in this

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regard the counsel has placed reliance on the judgment of the Hon'ble Apex Court in Oriental Insurance Company Ltd. Vs. Meena Variyal (supra). On perusal of the award of the Tribunal, it becomes clear that the wife of the deceased had produced: (i) certified copy of the criminal record of criminal case in FIR no. 955 of 2004, pertaining to involvement of offending vehicle (ii) criminal record showing completion of investigation of police and issue of charge sheet under sections 279/304-A, Indian Penal Code against the driver; (iii) certified copy of FIR, wherein criminal case against the driver was lodged; and (iv) recovery memo and mechanical inspection report of offending vehicle and vehicle of deceased. These documents are sufficient proofs to reach the conclusion that the driver was negligent. Proceedings under the Motor Vehicle Act are not akin to proceedings in a civil suit and hence strict rules of evidence are not required to be followed in this regard. Hence, this contention of the counsel for the appellant also falls face down. There is ample evidence on record to prove negligence on part of the driver.”

12. In order to prove the issue No.1, Petitioner No.1 Anita herself has appeared into the witness box as PW1 and she has adduced her evidence by way of affidavit Ex.PW1/A, wherein, she has reiterated the contents of the petition.

Petitioner No.2 Anil and eye witness of the accident, has also

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appeared into the witness box as PW2 and he has adduced his evidence by way of affidavit Ex.PW2/A, wherein, he has re-iterated the contents of the petition and FIR No.324 dated 05.05.2023, under Sections 279 and 304-A of Indian Penal Code, 1860, P.S. Kundli Ex.P1, lodged by him. He has given a detailed account of the impugned accident by stating date, time, place and manner. He has categorically deposed that accident in question had taken place due to the rash and negligent driving of the offending vehicle i.e. Car bearing registration No.HR-91B-4956 by its driver, by respondent No.1.

Petitioners have also relied upon copy of FIR No.324 dated 05.05.2023, under Sections 279 and 304-A of Indian Penal Code, 1860, P.S. Kundli Ex.P1, copy of Postmortem report of Ajit Singh (since deceased) Ex.P2 and copy of report under Section 173 Cr.P.C. filed against respondent No.1 in case FIR No.324 dated 05.05.2023, under Sections 279 and 304-A of Indian Penal Code, 1860, P.S. Kundli Ex.P8 containing attested copy of complaint, attested copy of site plan, attested copy of seizure memo of cycle, copy of seizure memo of offending vehicle i.e. Car bearing registration No.HR-91B-4956, attested copy of seizure memo of original RC of the offending vehicle, DL and Insurance and copy of mechanical inspection report of the offending vehicle.

13. The above evidence led by the petitioners has gone un rebutted and unchallenged. Nor there are any material circumstance on

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the file to disbelieve the same particularly when respondent No.1 has taken categorical stand that no such accident had taken place.

In his written statement, respondent No.1 has denied all the contents of the petition and stated that alleged FIR No.324 dated 05.05.2023, under Sections 279 and 304-A of Indian Penal Code, 1860, P.S. Kundli, was got registered against him, by the petitioners in collusion with local police in order to get the compensation because in these circumstances, it was incumbent upon respondent No.1 to examine himself to refute the statement of PW2 Anil as well as the contents of FIR, Ex.P1 but he has not dared to enter into the witness box for the reasons best known to him, which requires to draw an adverse inference against him that he did not adopt any such exercise intentionally and deliberately, knowing well he would not be able to face the test of his cross-examination being guilty in his mind for causing this accident as held by the Hon'ble Apex Court in case titled **Ishwar Bhai C. Patel alias Bachu Bhai Patel Vs. Harihar Behera and another, 1999(2) Civil Court Cases (SC)-1** that :

“where a party does not enter in the witness box to make statement on oath in support of his pleadings, an adverse inference has to be drawn that what it has stated in the pleadings, is not correct”.

14. Moreover, the registration of FIR No.324 dated 05.05.2023,

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under Sections 279 and 304-A of Indian Penal Code, 1860, P.S. Kundli Ex.P1, against respondent No.1 by PW2 Anil, and that police has prepared the rough site plan, and that cycle was seized, vide seizure memo, and that offending vehicle i.e. Car bearing registration No.HR-91B-4956 was seized, vide seizure memo and that original RC and DL and insurance of the offending vehicle were seized, vide seizure memo, and that offending vehicle was mechanically inspected, vide report dated 08.05.2023 (all being part of report under Section 173 Cr.P.C Ex.P8), and that police has filed the report under Section 173 Cr.P.C against respondent No.1 in case FIR No.279, 304-A of Indian Penal Code, 1860, P.S. Kundli, Ex.P8, and that respondent No.1 is facing trial in the Court of Ld. JMIC, Sonapat and also that the respondents have not proved any other version of the accident leads to the conclusion that Ajit Singh (since deceased) died on 05.05.2023, due to the injuries sustained by him on 05.05.2023 due to rash and negligent driving of vehicle i.e. Car bearing registration No.HR-91B-4956 by respondent No.1.

15. Thus, in view of the testimony of PW2 Anil, other witnesses and the documents placed on record, the negligence of the driver (respondent No.1) of offending vehicle i.e. Car bearing registration No.HR-91B-4956 by its driver in causing the accident, due to which, Ajit Singh died, has been proved on record. So, issue No.1 is accordingly decided in favour of the petitioners and against the respondents.

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ISSUE No. 2 :

16. As issue No.1 has been decided in favour of the petitioners, so, the petitioners-claimants are entitled to compensation.

17 Basically only three facts need to be established by the claimants for assessing compensation in the case of death :

- (a) Age of the deceased;
- (b) Income of the deceased;
- (c) The number of dependents.

The issues to be determined by the Tribunal to arrive at the loss of dependency are :

- (i) Additions/deductions to be made for arriving at the income;
- (ii) The deduction to be made towards the personal living expenses of the deceased; and
- (iii) The multiplier to be applied with reference of the age of the deceased.”

Age of the Deceased :

18. In the claim petition, it is stated that Ajit Singh (since deceased) was about 58 years of age at the time of accident, however, in the Postmortem report, Ex.P2 produced by the petitioners themselves, the age of the deceased is mentioned as 61 years. There is nothing on record that this document is forged or fabricated document or that wrong date of birth has been mentioned therein. So, the age of Ajit Singh (since deceased) is taken as 61 years at the time of accident.

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Income of the Deceased :

19. In the claim petition, it is pleaded that Ajit Singh (since deceased) was operator on 2 tubewell water supply in village and was also labourer and was earning Rs.35,000/- per month (Rs.25,000/- from service and Rs.10,000/- from labour) at the time of accident. However, the petitioners have not produced any documentary evidence to prove income and occupation of deceased. Accordingly, income of the deceased is to be assessed as a labourer, keeping in mind the minimum rate of wages notified by the State of Haryana. In the light of decisions in *FAO No.2426 of 2018 (O&M) titled The New India Assurance Co. Ltd. Vs. Ms. Sheela Devi and others, D.O.D. 04.05.2018 (P&H), FAO No. 2377 of 2017 (O&M) titled National Insurance Co. Ltd. Vs. Jameet Ram and others, D.O.D 25.04.2018 (P&H)* and notification of Haryana Government, the income of the deceased at the time of accident in question is assessed as ₹10,533/- (in round figure) as of an unskilled labourer.

Number of Dependents :

20. In the present case the present petition has been filed by petitioner no.1 Smt. Anita, who is widow, petitioner no.2 Anil, petitioner no.3 Dinesh, petitioner No.4 Anju, petitioner no.5 Mamta and petitioner No.6 Manisha, who are the children of Ajit Singh (since deceased).

The Hon'ble Punjab and Haryana High Court in case titled as **Smt. Sunita alias Sunita Devi and Other Vs. Labh Singh and others**

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FAO-10712-2018 (O&M), decided on 15.05.2023 has held that:-

“It is not in dispute that claimants no.2 and 3 are the major sons of the deceased aged 24 and 26 years respectively. Admittedly, no evidence has been led by the appellants even before learned Tribunal or before this Court to prove the pecuniary dependence of the said claimants on income of the deceased. As per law laid down by Hon’ble Supreme Court in (SC) SLIP No.13931 of 2017 titled as “New India Assurance Co. Ltd. Vs. Vinish Jain and others” and by this Court in (P&H) Harpal kaur and Others Vs.Sita Ram and Others, law Finger doc id # 921104: Narender Nayyar Vs. Sheodan Singh and others, Law Finger Doc id # 626136; and Sajna Devi and Others Vs. Vijender Kumar and Others, Law Finger Doc id # 921100, it has been held that major sons of the deceased or not entitled to compensation. Accordingly, learned Tribunal was right in holding that only claimant no.1/widow of the deceased and claimant no.4/mother of the deceased were the only dependents on the income of the deceased, and

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*therefore, correctly made deduction of 1/3rd
towards personal expenses.”*

As per the petition, the age of petitioner No.2 Anil, is 26 years, the age of petitioner No.5 Anju is 35 years, the age of petitioner No.5 Mamta is 31 years and the age of petitioner No.6 Manisha is 24 years. There is nothing on record that they are not physical fit, so, it cannot be said that they were dependents upon the deceased at the time of his death. Even PW2 Anil has nowhere deposed in his affidavit Ex.PW2/A that he was dependent upon the deceased at the time of accident. Rather, in his cross-examination, he has also stated that he is doing private job. Further, petitioner No.4 Anju, petitioner No.5 Mamta and petitioner No.6 Manisha, who are the daughters of the deceased, are married and they are residing separately with their husband. So, in these circumstances petitioner No.2 Anil, being major son and earning hand and petitioner No.4 Anju, petitioner No.5 Mamta and petitioner No.6 Manisha, being major and married daughters of the deceased cannot be considered as dependents upon Ajit Singh (since deceased) at the time of his death.

As far as petitioner No.3 Dinesh is concerned, in the petition, the age of petitioner No.3 Dinesh is mentioned as 21 years. There is nothing on record that he was doing any work. So, seeing his young age, it cannot be said that he was not dependent upon his father Ajit Singh.

So, keeping in view the facts and circumstance, petitioner

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No.1 Smt. Anita, being the widow and petitioner No.3 Dinesh, being son of young age of the deceased Ajit Singh are considered as dependents upon the deceased Ajit Singh at the time of his death.

ADDITION:

21 The deceased, in this case, considered as unskilled labourer and was earning a fixed sum without provision for annual increments etc. Thus, the question arises whether in a case of labourer, who was getting a fixed sum without any provision of annual increment etc., any addition in his total income is liable to be taken towards future prospects. The controversy has been set at rest by the Hon'ble Apex Court in its latest judgment in case titled “National Insurance Company Limited Versus Pranay Sethi and others”, Special Leave Petition (Civil) No.25590 of 2014, decided on 31.10.2017, and has held that:

“In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component”.

In this case, the age of the deceased was 61 years at the time of accident. Thus, in view of the law laid-down in “National Insurance

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Company Limited Versus Pranay Sethi and others” case (supra), nothing is to be added in the income of the deceased. In this way total income of the deceased comes to Rs.1,26,396/- per year (Rs.10,533 x 12).

Deduction towards personal and living expenses :

22 In para No.14 of judgment titled as *Smt. Sarla Verma Versus Delhi Transport Corporation, 2009(3) RCR (Civil) 77 (SC)*, the Hon'ble Apex Court held that “we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6 and one-fifth (1/5th) where the number of dependent family members exceed six.” The same view is affirmed by the Hon'ble Apex Court in its latest judgment *National Insurance Company Limited Versus Pranay Sethi and others*' (supra).

In the present case, the deceased was married and number of dependent family members were **two** at the time of his death. So, **1/3** of the total income of the deceased is deducted towards personal and living expenses of the deceased and thus, the contribution of the deceased towards his family comes to be **₹84,264/-** (₹1,26,396–₹42,132/-) per annum.

Multiplier :

23 Now, the next question arises for consideration is whether the

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multiplier is to be applied in respect of the age of the deceased or the claimants. The Hon'ble Apex Court in its latest judgment in **National Insurance Company Limited Versus Pranay Sethi and others'** (supra) while setting at rests the controversy has held that the age of the deceased should be the basis for applying the multiplier. The Hon'ble Supreme Court in the above latest judgment has also held “the selection of multiplier shall be as indicated in the Table in **Sarla Verma** read with paragraph 42 of that judgment”.

Coming to the facts of this case, the age of deceased was 61 years at the time of accident. Therefore, keeping in view the law laid-down by Hon'ble Apex Court in **National Insurance Company Limited Versus Pranay Sethi and others & Smt. Sarla Verma Versus Delhi Transport Corporation's cases** (supra), the multiplier of 7 is to be applied in this case considering the age of deceased. Accordingly, the claimant No.1 Anita is entitled to compensation of **₹5,89,848/- (₹84,264 x 7)** and is awarded accordingly.

24. The Hon'ble Supreme Court in **National Insurance Company Limited Versus Pranay Sethi and others' case**, the Hon'ble Supreme Court has held that “reasonable figures on conventional heads namely, loss of estate, loss of consortium and funeral expenses should be **₹15,000/-**, **₹40,000/-** and **₹15,000/-** respectively and the aforesaid amounts should be enhanced at the rate of 10% in every three years”. Further, the Hon'ble

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Supreme Court in latest judgment titled as United India Insurance Company Limited vs. Satinder Kaur alias Satwinder Kaur and others (2022) 1 Supreme Court Cases (Cri.) 306, has held that :

“33. The Motor Vehicles Act, 1988 is a beneficial legislation which has been framed with the object of providing relief to the victims, or their families, in cases of genuine claims. In case where a parent has lost their minor child or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to the children who lose the care and protection of their parents in motor vehicle accidents. The amount to be awarded for loss consortium will be as per the amount fixed in Pranay Sethi.

34. At this stage, we consider it necessary to provide uniformity with respect to the grant of consortium, and loss of love and affection. Several Tribunals and the High Courts have been awarding compensation for both loss of consortium and loss of love and affection. The Constitution Bench in Pranay Sethi, has recognized only three conventional heads under which compensation can be awarded viz. Loss of estate, loss of consortium and funeral expenses. In Megma General, this Court gave a comprehensive interpretation to consortium to include spousal consortium, parental consortium, as well as filial consortium. Loss of love and affection is comprehended in loss of consortium.”

25. Applying the above proposition of law in the present case,

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accident in question was occurred on 05.05.2023, whereas the judgment of the Hon’ble Supreme Court in National Insurance Company Vs. Pranay Sethi and others’ case is dated 31.10.2017. So, the petitioner No.1 Anita is also awarded a sum of ₹16,500/- (15000+1500) on account of funeral and last rites expenses etc. of deceased Ajit Singh. The petitioner No.1 Anita and petitioner No.3 Dinesh are further awarded ₹16,500/- (15000+1500) under the head of loss of estate. Petitioner No.1 Anita, being the wife of deceased, is also awarded Rs.44,000/- (Rs.40,000/- + Rs.4,000/-) under the head of loss of spousal consortium and petitioner No.3 Dinesh, being young son of the deceased is also awarded ₹44,400/- (Rs.40,000+4000) under the head of loss of parental consortium.

The total compensation is determined as under :

Sr.No.	Head	Calculation
1.	Loss of dependency ₹ 63,198 x 7	₹5,89,848/-
2.	Funeral & last rites etc. expenses	₹ 16,500/-
3.	Loss of Estate	₹ 16,500/-
4.	Loss of spousal consortium to wife (petitioner No. 1)	₹ 44,000/-
5.	Loss of parental consortium to (petitioners No.3 Dinesh	₹ 44,000/-
	Total :	₹ 7,10,848/-

26 In view of above discussion, the issue No.2 is also decided in favour of the petitioner and against the respondents.

ISSUE No. 3 :

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27. The burden to prove this issue was on respondent No.2-insurance company but they have miserably failed to discharge the burden. On the other hand, copy of driving license Ex.R2 on record shows that respondent No.1 was holding a valid and effective driving license at the time of accident. The copy of Registration Certificate of the offending vehicle i.e. Car bearing registration No.HR-91B-4956, Ex.R1 is also on record. Respondent No.2 has not led any evidence to prove that what other terms and conditions of insurance policy Ex.R3 were violated by the insured. As such, this issue is decided against respondent No.2-insurance company.

ISSUE No.4:(RELIEF) :

28. As a result of my findings on the issues No.1 to 3, the present petition is **allowed partly**. Since, petitioner no.2 Anil, being major son and petitioner No.4 Anju, petitioner No.5 Mamta and petitioner No.6 Manisha, being married daughters, are not considered as dependents upon the deceased at the time of his death, so, they are not entitled for any compensation. However, petitioner No.1 Anita, being the wife of the deceased Ajit Singh and petitioner No.3 Dinesh, being son of young age of deceased Ajit Singh, are considered as dependents upon the deceased at the time of his death, so, petitioner No.1 Anita, being the wife of the deceased and petitioner No.3 Dinesh, being son of young age of the deceased, are entitled to compensation and are awarded a sum of

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₹7,10,848/- on account of death of Ajit Singh along with interest @ 7.5% per annum from the date of filing of petition till its realization.

Out of total amount of the award, 70% of the award amount is awarded to Petitioner No.1 Anita and 30% of the award amount is awarded to petitioner no.3 Dinesh.

25% of the awarded amount to petitioner No.1 Anita, be released to her by depositing/transferring into her savings bank account and remaining amount be kept in FDR in a nationalized bank for a period of 10 years. The interest on the fixed deposit shall be paid to her monthly by automatic credit in her savings account. Upon expiry of the period of FDR, the bank shall automatically credit the maturity amount in her savings account.

25% of the awarded amount to petitioner No.3 Dinesh, be released to him by depositing/transferring into his savings bank account and remaining amount be kept in FDR in a nationalized bank for a period of 5 years. The interest on the fixed deposit shall be paid to him monthly by automatic credit in his savings account. Upon expiry of the period of FDR, the bank shall automatically credit the maturity amount in his savings account.

Respondent No.2-insurance company is directed to deposit the award amount directly in the bank account No.110120557086, IFSC Code:CNRB0018280, MICR Code:110015501, Branch: Chhatera Canara

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Bank of the petitioner No.1 Anita and account No.82802310000169, IFSC Code:SYNB0008280, Branch Syndicate Bank Chatera of petitioner No.3 Dinesh (details of bank account supplied by learned counsel) within 30 days of the passing of the award with interest. In case of any delay, respondent No.2 shall be liable to pay interest @ 12% per annum for the period delayed.

APPORTIONMENT OF LIABILITY :

29. As far as the liability to pay the amount of compensation is concerned, the onus of proof that respondent No.1 has violated any terms and conditions of the insurance policy was upon the respondent No.2-insurance company, but no evidence has been produced to discharge this burden. The driving licence of respondent No.1, Ex.R2 has been produced on record and there is nothing on record that the same are forged or fabricated. So, respondent No.1 was having a valid and effective driving licence. The copy of Registration Certificate of the offending vehicle i.e. Car bearing registration No.HR-91B-4956, Ex.R1 and the copy of insurance policy Ex.R3 are also on the file, according to which, the offending vehicle is owned by respondent No.1 and was insured with respondent No.2. So, there is nothing on record that respondent No.1 has violated any term and condition of the insurance policy Ex.R3. Thus, respondents No.1 and 2 being driver, owner and insurer of offending vehicle, are jointly and severally liable to pay the amount of compensation to the petitioners.

CNR No.HRSO01-012142-2023
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Memo of costs be prepared and file be consigned to record
room after due compliance.

Pronounced in open Court.
Dated : 01.07.2026

(Subhash Chander Sroai)
Motor Accidents Claims Tribunal,
Sonepat. UID:HR0494.

Note: This award consists of 23 pages and each page
has been duly checked and signed by me.

(Subhash Chander Sroai)
Motor Accidents Claims Tribunal,
Sonepat. UID:HR0494.

Parveen Kumar

(Subhash Chander Sroai)
MACT, Sonepat (UID:HR0494)
01.07.2026

CNR No.HRSO01-012142-2023

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Present: Shri Yogesh Kaushik, counsel for the petitioners.
Shri Anand Pal Antil, counsel for respondents No.1 (driver-cum-owner).
Shri Joginder Kuhar, counsel for respondent No.2 (insurance company).

No rebuttal evidence is present.

Shri Yogesh Kaushik, Ld. Counsel for the claimants has closed the rebuttal evidence on behalf of the claimants. Her statement recorded separate to this effect.

In view of the statement made by Shri Yogesh Kaushik, Ld. Counsel for the claimants, rebuttal evidence is closed.

Shri Yogesh Kaushik, Ld. Counsel for the claimants has also filed the copy of saving bank account of claimants.

Arguments heard.

For order, to come up after lunch break.

Pronounced in open Court.

Dated : 01.07.2026

(Subhash Chander Sroai)
Motor Accidents Claims Tribunal,
Sonapat UID:HR0494.

(Subhash Chander Sroai)
MACT, Sonapat (UID:HR0494)
01.07.2026

CNR No.HRSO01-012142-2023

Present: Shri Yogesh Kaushik, counsel for the petitioners.
Shri Anand Pal Antil, counsel for respondents No.1 (driver-cum-owner).
Shri Joginder Kuhar, counsel for respondent No.2 (insurance company).

File taken up again after lunch.

Vide my separate award of even date, the present claim petition has been **allowed partly**.

Memo of costs be prepared accordingly and after due compliance, the file be consigned to the record-room.

Pronounced in open Court.

Dated : 01.07.2026

(Subhash Chander Sroai)
Motor Accidents Claims Tribunal,
Sonepat UID:HR0494.

Parveen Kumar