

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL PATIALA,
PRESIDED OVER BY AMANDEEP KAUR
(UID No.PB0207)**

**MACP-176-2025
CNR: PBPT01004561-2025
Date of Institution: 28.04.2025
Date of Decision: 07.08.2026**

1. Chhinder Kaur aged 53 years wife of late Gurmail Singh;
2. Jasvir Singh aged 40 years son of late Gurmail Singh;
3. Jaspreet Singh aged 37 years son of late Gurmail Singh;
4. Sony Singh aged 36 years son of late Gurmail Singh;
All residents of village Bossar Kalan, Tehsil and district Patiala.

.....Claimants

Versus

1. Paramveer Singh @ Raju son of Malkeet Singh resident of Village Khiwa Kalan, Tehsil Bhikhi, District Mansa.
(Driver of Car No. PB-13BM-3866)
2. Harbans Singh son of Gurdev Singh resident of Ward No.3, Heron Kalan, Tehsil Bhikhi, District Mansa.
(Owner of Car No. PB-13BM-3866)
3. (Insurer of Car No. PB -13BM-3866) to be disclosed by respondent no.1.

.....Respondents

**Claim petition under Section 166 of Motor Vehicle Act
for grant of compensation on account of death of
Gurmail Singh.**

**Present: Sh. Gurbaz Singh Sarwara, Adv. for the claimants
Respondents no.1 and 2 exparte.**

AWARD

Claimants, being the widow and sons, respectively, of **Gurmail Singh**, vide the present petition have sought compensation on account of death of abovesaid person in a Motor Vehicular Accident.

2. It is case of the claimants that on dated on 18.2.2025, Gurmail Singh(since deceased) alongwith Jaspreet Singh was going to village Suniarheri from their village Bossar Kalan on their separate vehicle for their work. Gurmail Singh was driving his motorcycle no. PB11DC-8927 whereas Jaspreet Singh was driving his motorcycle no. PB-11CA-8225. Gurmail Singh was going ahead of Jaspreet Singh. At about 4:00 PM when they reached near Patiala Sangrur Bypass Road, village Suniarheri then from the side of Patiala, a swift car No. PB-13BM-3866 which was driven by respondent no.1 in a rash and negligent manner, it after crossing Jaspreet Singh hit on the backside of motorcycle of Gurmail Singh, who as a result fell down on the road alongwith motorcycle. He received injury on his head and other parts of body. Jaspreet Singh with the help of passersby's arranged the vehicle and took Gurmail Singh to Rajindra Hospital, Patiala for his treatment but he succumbed to the injuries. Thereafter the relatives of respondent no.1 visited the house of the claimant in night time and the claimants came to know about the name of respondent no.1 as Paramveer Singh @ Raju. The post mortem on the body of the deceased was conducted by the doctors of Rajindra Hospital Patiala. The police of P.S. Sadar Patiala registered the case FIR No.26 dated 19.2.2025, U/s

281/106(1) of BNS against respondent no.1 on the statement of Jaspreet Singh. It was averred that this accident took place on account of sole rash and negligent driving of Car No. PB-13BM-3866 driven by respondent no.1. Hence, the present petition.

3. In pursuance of the notice issued by the Tribunal, respondents no.1 and 2 did not turn up to contest the claim of the claimants, so they were proceeded against ex-parte vide order dated 28.05.2025

4. In an endeavour to prove the claim, exparte, claimant Jaspreet Singh the eye witness of the occurrence stepped into the witness box as CW1 and deposed through his duly sworn affidavit Ex.CW1 qua the manner in which the occurrence took place. He also proved documents i.e. copy of FIR as Ex.C1, attested copy of postmortem report as Ex.C2, copy of aadhar card of Gurmail Singh as Ex. C3, copy of death certificate of Gurmail Singh as Ex.C4, copy of aadhar card of Chhinder Kaur as Ex.C5, copy of aadhar card of Jasvir Singh as Ex.C6, copy of his aadhar card as Ex.C7 and copy of aadhar card of Sony Singh as Ex. C8.

5. Claimant Chhinder Kaur also stepped into the witness box as CW2 and tendered her duly sworn affidavit Ex.CW2/A and her Voter Identity Card as Ex.CW2/B. She deposed about the age and income of the deceased and loss being suffered by her family on account of the demise of her husband.

6. Claimants also examined Chand Singh, Numberdar of the village of the claimants as CW3 who deposed through his duly sworn

affidavit Ex.CW3/A. He also proved documents i.e. copy of identity card as Ex.CW3/B and copy of his aadhar card as Ex.CW3/C. Thereafter the counsel for the claimants closed the evidence on behalf of the claimants.

7. I have heard counsel for the claimants and with his able assistance, perused the record of the case.

8. To establish the factum and manner of accident having taken place as per claim petition, the claimant no.3 Jaspreet Singh himself stepped into the witness box as CW1. This witness, in his testimony, deposed that on the fateful day i.e. 18.02.2025, the deceased was driving his motorcycle ahead of him and he was following him on his separate motorcycle. At about 4:00 PM when they reached near Patiala Sangrur Bypass Road, village Suniarheri then from the side of Patiala, a swift car No. PB-13BM-3866 came, it was driven in a rash and negligent manner by respondent no.1, after crossing the witness, the car hit on the backside of motorcycle of his father Gurmail Singh as a result of which he fell down on the road alongwith motorcycle. He deposed that he with the help of passersby's arranged the vehicle and took his father to Rajindra Hospital Patiala for his treatment but his father succumbed to the injuries. This witness categorically deposed to have witnessed the accident in question and he has categorically imputed rashness and negligence, on the part of respondent no.1, while driving the offending vehicle.

9. The claimants tendered copy of FIR of the occurrence in question copy of FIR as Ex.C1, attested copy of postmortem report as

Ex.C2, copy of aadhar card of Gurmail Singh as Ex.C3, copy of death certificate of Gurmail Singh as Ex.C4, copy of aadhar card of Chhinder Kaur as Ex.C5, copy of aadhar card of Jasvir Singh as Ex.C6, copy of aadhar card of Jaspreet Singh as Ex.C7 and copy of aadhar card of Sony Singh as Ex. C8.

10. It is pertinent to mention here that the respondent no.1-the driver of the offending vehicle and the respondent no.2-the owner of the offending vehicle who were the best witness of their defence, chose to stay away from the proceedings of the Court and were subsequently proceeded against ex-parte vide order dated 28.05.2025. The Hon'ble High Court in case titled as "**Bhagwani Devi vs. Krishan Kumar Saini and others**", 1986, **ACJ, 331(P&H)**, has held that the cause of accident can be best explained by the driver concerned and if he is kept away from the witness box without sound reasons, it must indeed be construed as a telling circumstances against the respondents. Furthermore, the registration number of the vehicle of respondent no.2 clearly figures in the FIR. Nothing has come on record that owner made any complaint in respect of false implication of his vehicle.

11. Therefore, the oral as well as documentary evidence, led by the claimants remains unrebutted and unchallenged. Same is found to be sufficient and reliable to prove the rashness and negligent driving of respondent no.1 while driving the offending vehicle and causing death of **Gurmail Singh**.

12. Once the factum of accident is established, the next vital question, which calls for consideration, is with regard to the extent of compensation, payable to the claimants and the liability of the respondents to pay the same.

13. Firstly, let us consider the age of the deceased. In the claim petition, it is averred by the claimants that deceased was **56 years** old, at the time of accident. In post-mortem report, age of deceased is mentioned as **56 years**. In copy of adhaar card, year birth of deceased is mentioned as 1969 and the accident took place in the year 2025, so on the day of accident, age of the deceased comes to be **56 years**. No evidence to the contrary has come on record. In the light of the same, deceased is established to be **56 years old**, at the time of accident.

14. So far as avocation and income of the deceased is concerned, in the claim petition, the claimants have asserted that the deceased was doing the work of contractor qua the sale and purchase of woods and was earning Rs.40,000/- per month. But, no document to indicate the avocation and income of the deceased has been produced or proved on record. The bald assertion of the claimants with regard to the avocation and income of the deceased, is not supported with any reliable evidence, so the same cannot be accepted. In such circumstances, it has to be construed that the deceased was working as a casual labourer and keeping in view the contingencies of unemployment, his monthly income, is assessed at **Rs.13,000/-** as per the notification of the relevant time.

15. In the light of the decision rendered by **Hon'ble Supreme Court of India, in SLP (Civil) No. 25590 of 2014, decided on 31.10.2017 in case National Insurance Company Limited Versus Pranay Sethi and Others**, an addition to the established income of the deceased has to be made, in case he was self-employed or on a fixed salary. In the present case, deceased was self employed person and was **56 years** of age, as such, an addition of **10%** has to be made (considering his age), while computing future prospects. Making it to be so, the earnings of the deceased comes to be **Rs. 14,300/-per month** (Rs. 13,000/- + Rs. 1300/-).

16. While taking guidelines from '**Sarla Verma Vs Delhi Transport Corporation**' 2009 (3) RCR (Civil) 77, (Supreme Court) and considering the number of dependents of the deceased i.e. claimants, **1/4th** of the earnings of the deceased is to be deducted, on account of personal expenses. In this manner, earnings of the deceased, come to **Rs.10,725/-** (Rs.14,300/- minus Rs. 3575/-).

17. Also taking guidelines from 'Sarla Verma's case (Supra) and considering the age of the deceased, suitable multiplier, to be applied, in the present case to work out the compensation is '**9**'. Applying this multiplier to the annual dependency of **Rs. 1,28,700/-** (Rs.10,725 x 12) of claimants, compensation payable to them comes out to be **Rs. 11,58,300/-** (1,28,700/- x 9).

18. Besides the same, in view of **National Insurance Company Limited Versus Pranay Sethi and Others (supra)**, another sum of

Rs.15,000/- as loss of estate, Rs.40,000/- consortium to wife and Rs.15,000/- as funeral expenses, is also granted. Claimants are also entitled to enhancement @ 10% on these conventional heads in guidelines of judgment cited supra. In this manner, amount payable under these heads comes to **Rs. 77,000/-**

19. Thus, the total compensation, payable to the claimants, on account of death of deceased, works out to be **Rs. 12,35,300/-**.

20. Respondent no.1 is proved to be driver whereas respondent no.2 is proved to be the owner of the offending vehicle. Therefore, the respondents no.1 and 2 are liable to pay the aforesaid compensation amount, so awarded to the claimants jointly and severally.

Relief

21. In view of my findings on the issues above, claim petition of the claimants is accepted exparte, with costs and an Award of **Rs.12,35,300/-** is passed against the respondents no.1 and 2 and in favour of the claimants. Claimants are further awarded interest @ 9% per annum from today till realization. Amount of award and interest shall be paid by respondents no.1 and 2 jointly and severally to the claimants. Amount of Award shall be apportioned as follows :

Claimant no.1	:	55%
Claimant no.2	:	15%
Claimant no.3	:	15%
Claimant no. 4	:	15%

22. Costs of petition are quantified at Rs. 1,000/-. Counsel fee is

assessed at Rs.2,000/-. Memo of costs be prepared. Petition is disposed off accordingly.

23. File be consigned to the Record Room.

Announced in open court:
August 07, 2026

(Amandeep Kaur)
Motor Accident Claims Tribunal,
Patiala-UID No.PB0207

Bhavik, Stenographer Gr.II