

HRJN010015712022



**Before Shifa, Presiding Officer, Motor Accident Claims Tribunal, Jind.
(UID:HR0255)**

MACP Case No.RBT-67 of 2022/2024.

Date of Institution: 06.04.2022/08.08.2024.

CNR No.HRJN01001571-2022.

CIS No. MACP/93/2022.

Date of Decision: 10.10.2025.

1. Smt. Sonia, aged 31 years, wife of late Naveen Kumar Sharma,
2. Chahat, aged 9 years, minor daughter,
3. Chavi, aged 6 years, minor daughter,
4. Himay, aged 2 years, minor son,
5. Himadri, aged 2 years, minor daughter, petitioners no.2 to 5 minor children through their mother and natural guardian Smt. Sonia wife of Naveen Kumar Sharma,
6. Roshni Devi, aged about 65 years, wife of Satbir Chander,
7. Satbir Chander, aged about 66 years, son of Nanaha Ram, all residents of Kothi No.2452, Urban Estate, Jind.

...Petitioners-Claimants

Versus

1. Rampal son of Bishan Singh, resident of village Kukar Kanda, Police Station, Rajound, District Kaithal).
(Driver of Tractor bearing registration No.HR05AB-9530).
2. Naresh Kumar son of Ram Kumar, resident of village Ramgarh @ Rohar, Tehsil Pehowa, District Kurukshetra.
(Registered owner of Tractor bearing registration No.HR05AB-9530).
3. Rajesh Kumar son of Madan Singh, resident of # 21, Garhi Multan, Tehsil Gharaunda, District Karnal-132001.
(Insured of Tractor bearing registration No.HR05AB-9530).
4. IFFCO-TOKIO General Insurance Company Ltd. Indra Gandhi Public School, Dhand Road, Kaithal. PIN: 136027 through its Branch Manager.
(Insurer of Tractor bearing registration No.HR05AB-9530 vide policy No.60193334 w.e.f. 10.09.2021 to 09.09.2022).
5. Kartik son of Pardeep Kumar, resident of Kothi No.1, Sector-6, Urban Estate, Jind.
(Driver-cum-owner of Santro Car bearing registration No.31F-6999).
6. Dalbir Singh son of Rajmal, resident of House No.104, DC Colony, Jind

Shifa, Presiding Officer,
MACT, Jind, 10.10.2025

(now deceased) through his LR's (I) Prateek Punia son of Dalbir Singh (ii) Vidhya Devi wife of Dalbir Singh, both residents of 104, DC Colony, Jind, now resident of 1808/A, Vijay Nagar, Gate No.3, Indus Public School, Jind. (Insured of Santro Car bearing registration No.31F-6999).

7. IFFCO-TOKIO General Insurance Company Ltd. Indra 4th & 5th Floor, IFFCO-Tower, Plot No.3, Sector-29, Gurgaon PIN: 122001 (Haryana) through its Branch Manager.

(Insurer of Santro Car bearing registration No.31F-6999 vide policy No.MM420517 w.e.f. 11/11/2021 to 10/11/2022).

... Respondents.

Claim petition Under Section 166 of the Motor Vehicle Act, 1988.

Present: Shri Deepak Panwar, Advocate for the petitioners-claimants
Shri Manish Khatkar, Advocate for respondents no.1 & 2.
Respondent No.3 already exparte vide order dated 11.05.2023.
Shri P.K. Batra, Advocate for respondents no.4 and 7.
Shri B.S. Kaushal, Advocate for respondents No.5 and LR's of respondent no.6 (since deceased).

AWARD:

This award shall dispose of the petition filed by the claimants under Section 166 of the Motor Vehicle Act claiming compensation to the tune of ₹60,00,000/- on account of death of Naveen Kumar Sharma son of Satbir Singh, in motor vehicle accident which allegedly took place due to rash and negligent driving of Tractor bearing registration No.HR05AB-9530 (hereinafter referred to as offending vehicle) by respondent no.1.

2. The case set up by claimants is that on 06.03.2022, Naveen Kumar Sharma (since deceased) alongwith his friend Kartik i.e. respondent no.5 had gone from Jind to Safidon to perform his work. At about 8.00 p.m., when they were coming back from Safidon to Jind in Santro Car bearing registration No.31F-6999, which was being driven by its driver Kartik and when they reached near Petrol Pump situated between village Lochab and Manoharpur, a Tractor bearing registration No.HR05AB-9530 attached with

a loaded wooden trolley, which was parked by respondent no.1 on wrong side of the road without applying any warning mark i.e. stone, bushes, reflector or indicator and due to parking of the aforesaid tractor-trolley without any indication or warning on the road, Santro Car bearing registration No.31F-6999 struck with the loaded wooden trolley attached with Tractor bearing registration No.HR05AB-9530. As a result of the hit, Naveen Kumar Sharma, who was sitting on the front left seat of the car, received multiple grievous injuries. Naveen Kumar Sharma and Kartik were brought to Civil Hospital, Jind by passerby where the doctor declared Naveen Kumar Sharma as brought dead. On basis of statement of Satbir, father of Naveen Kumar Sharma, police registered FIR No.98 dated 07.03.2022 under section 283, 304A, 337, 427 of IPC.

The claimants were dependents upon deceased Naveen Kumar Sharma for their survival and livelihood and hence, they have filed present petition seeking compensation against the respondents.

3. Written statement has been filed by respondents no.1 and 2 wherein they stated that no accident took place of Tractor bearing registration No.HR05AB-9530. The IFFCO TOKIO i.e. respondent no.4 is the insurer of Tractor bearing registration No.HR05AB-9530. Respondent No.1 was valid driving licence. The police has falsely implicated respondent no.1 and aforesaid vehicle in a false criminal case. It is therefore, prayed that petition may kindly be dismissed.

4. Upon notice, none appeared on behalf of defendant no.3 and thereafter, he was proceeded against exparte vide order dated 11.05.2023.

4

5. Joint written statement has been filed by respondents No.4 and 7 wherein preliminary objections have been taken that the petition is totally false, frivolous and bogus one. It is stated that respondents no.1 and 5 i.e. drivers of Tractor bearing registration No.HR05AB-9530 and Santro Car bearing registration No.31F-6999 did not hold a valid and effective driving licence on the date of alleged incident. The police has falsely involved Tractor bearing registration No.HR05AB-9530 and Santro Car bearing registration No.31F-6999 in collusion with complainant/respondent no.1 and 5. Even drivers of both the Truck were not holding a valid and effective driving licence. The petitioners have no cause of action and locus standi to file the present petition and petition is not maintainable. The claim petition is collusive between the petitioners and respondents no.1, 2, 3, 5 and 6 for wrongful gains. It is also prayed that if the claimants petition is allowed, the interest should not exceed more than 6%. It is therefore, prayed that the present petition may kindly be dismissed.

6. Written statement has been filed by respondent no.5 wherein preliminary objections have been taken that the petition is not maintainable, petitioners have no cause of action and locus standi to file the present petition against respondent no.5, petition is false & frivolous. It is stated that respondent no.5 is not the registered owner of Santro Car bearing registration No.31F-6999. Respondent no.4 is insurer of the offending vehicle and IFFCO TOKIO i.e. respondent no.7 is the insurer of Santro Car bearing registration No.31F-6999. It is therefore, prayed that the present petition may kindly be dismissed.

7. Written statement has been filed by LR's of respondent no.6 wherein preliminary objections have been taken that the petition is not maintainable, petitioners have no cause of action and locus standi to file the present petition against respondent no.5, petition is false & frivolous. It is stated that answering respondents are the legal heirs of respondent no.6, so the petitioners are not entitled to file any petition against the respondents. Respondent no.7 is the insurer of Santro Car bearing registration No.31F-6999. Answering respondents never remained owner of Santro Car bearing registration No.31F-6999. It is therefore, prayed that the present petition may kindly be dismissed.

8. From the pleadings of the parties, following issues were framed vide order dated 14.12.2023:-

1. Whether the accident in question took place due to rash and negligent driving of driver of Tractor bearing registration No.HR05AB-9530 i.e. respondent no.1? OPP.
2. Whether the claimants are entitled to compensation claimed, If so, how much and from whom? OPP
3. Whether respondent no.1 was not hold a valid and effective driving licence at the time of accident? OPR-4.
4. Whether the respondents no.1 to 3 have violated terms and conditions of the insurance policy, if so, to what effect? OPR-4
5. Whether respondent no.5 was not holding a valid and effective driving licence at the time of accident? OPR-7.
6. Relief.

9. To prove their case, petitioners-claimants examined Rakesh Chand as PW-1, Abhishek, H.R. Manager, Compass Group India Pvt.

Limited Gurugram as PW-2, petitioner-claimant no.1 Sonia as PW-3, petitioner No.7 Satbir as PW-4 and Kartik (respondent no.5 in the present case) as PW-5.

Thereafter, learned counsel for the petitioners-claimants closed evidence vide a separate statement and tendered the following documents: -

Ex.P1	Certificate regarding salary of Naveen Kumar Sharma.
Ex.P2	Copy of letter of appointment of Naveen Kumar Sharma.
Ex.P3	Copy of Full and Final Settlement Slip Process In December 2018.
Ex.P4	Copy of work certificate of Naveen Kumar Sharma.
Ex.P5	Copy of dependents of Naveen Kumar.
Ex.P6	Copy of formal FIR No.98 dated 07.03.2022.
Ex.P7	Copy of death certificate of Naveen Kumar Sharma.
Ex.P8	Copy of PAN Card of Naveen Kumar Sharma.
Ex.P9	Coy of Matriculation examination of Naveen Kumar Sharma.
Ex.P10	Copy of Senior Secondary Certificate Examination of Naveen Kumar Sharma.
Ex.P11	Copy of Bachelor of Arts of Naveen Kumar Sharma.
Ex.P12	Coy of test report form Naveen Kumar Sharma.
Ex.P13	Copy of statement of marks of Naveen Kumar Sharma.
Ex.P14	Copy of Passport of Naveen Kumar Sharma.
Ex.P14/A	Copy of Voter Card of Naveen Kumar Sharma.
Ex.P15	Copy of Employees State Insurance Corporation Temporary Identity Certificate of Naveen Kumar Sharma.
Ex.P16	Copy of appointment letter of Naveen Kumar Sharma issued by Fun Multiplex Pvt. Ltd.
Ex.P17	Copy of final report under section 173 Cr.P.C.
Ex.P18	Certified copy of charge-sheet dated 4.11.2022.
Ex.P19	Copy of prescription slip of Naveen Kumar Sharma.
Ex.P20	Copy of PMR of Naveen Kumar Sharma.
Ex.P21	Copy of rough site plan.
Ex.P22	Copy of recovery memo.
Ex.P23	Copy of notice under section 133 MV Act.

Ex.P24	Copy of mechanical report.
Ex.P25	Copy of recovery memo of Tractor.
Ex.P26	Copy of mechanical report of Santro Car.

10. On the other hand, respondents no.1 and 2 examined respondent no.2 Naresh as DW-1. Thereafter, learned counsel for respondents no.1 and 2 closed evidence vide his separate statement after tendering document Ex.D1.

11. On the other hand, learned counsel for respondents No.4 and 7 tendered copies of insurance policy as Ex.RA & Ex.RB and thereafter, closed evidence vide a separate statement.

12. On the other hand, learned counsel for respondent No.5 and LRs of respondent no.6 tendered copy of MLR of Kartik as Ex.R1, DL of Kartik as Ex.RC & copy of RC of Santro Car bearing registration No.31F-6999 as Ex.RD and thereafter, closed evidence vide a separate statement.

13. No evidence in rebuttal was led and same was closed by court order.

14. I have heard learned counsel for the parties and have perused the material available on record carefully. My issue wise findings are as under:-

ISSUE NO.1:

15. The first issue arising for consideration is whether the accident in question took place on 06.03.2022 due to rash and negligent driving of Tractor bearing registration No.HR05AB-9530 by respondent no.1 resulting in the death of Naveen Kumar Sharma.

16. I have given my thoughtful consideration to the issue in hand. It is well settled that the law with regard to compensation in accident claim cases is a beneficial piece of legislation. Strict rules of CPC and Evidence Act do not apply in these cases. The burden to prove negligence of the driver of offending vehicle which lies upon the claimant is not as strict as it is in criminal cases where the guilt of the accused has to be established beyond a shadow of reasonable doubt. A holistic view of evidence is required to be taken into consideration and the evidence has to be appreciated on the touchstone of preponderance of probabilities.

17. In the present case, Rakesh Chand, Project Manager, Protection World, Panchkula, was examined as PW-1, who has proved the certificate dated 25.03.2022 Ex.P1.

Abhishek, H.R. Manager, Compass Group India Private Ltd. Gurugram, was examined as PW-2. He proved appointment letter of Naveen Kumar Sharma as Ex.P2 and other documents regarding salary of Naveen Kumar Sharma as Ex.P3 to Ex.P5, as per which, he was drawing a salary of ₹25,330/- as on 09.03.2018.

Sonia, widow of deceased Naveen Kumar Sharma, was examined as PW-3. She tendered in evidence her affidavit Ex.PW3/A and reiterated the contents of petition. In her cross-examination, she stated that she is not an eyewitness to the accident.

Satbir, father of deceased Naveen Kumar Sharma, was examined as PW-4. He tendered in evidence his affidavit Ex.PW4/A and reiterating the contents of petition. In his cross-examination, he stated that

he had not witnessed the accident. He stated that he had visited the place of accident. He stated that tractor-trolley was standing in the middle of the road.

Kartik, eyewitness/respondent No.5, was examined as PW-5. He tendered in evidence his affidavit Ex.PW5/A reiterating the contents of petition. He stated that on 06.03.2022, he along with Naveen Kumar Sharma (since deceased) had gone from Jind to Safidon to perform his work. At about 8.00 p.m., when they were coming back from Safidon to Jind in Santro Car bearing registration No.31F-6999, which was being driven by him and when they reached near Petrol Pump situated between village Lochab and Manoharpur, a Tractor bearing registration No.HR05AB-9530 attached with a loaded wooden trolley, which was parked by respondent no.1 on wrong side of the road without applying any warning mark i.e. stone, bushes, reflector or indicator and due to parking of the aforesaid tractor-trolley without any indication or warning on the road, Santro Car bearing registration No.31F-6999 stuck with the loaded wooden trolley attached with Tractor bearing registration No.HR05AB-9530. As a result thereof, Naveen Kumar Sharma, who was sitting on the front left seat of the car, received multiple grievous injuries. They were brought to Civil Hospital, Jind by passerby where doctor declared Naveen Kumar Sharma as brought dead. On basis of statement of father of Naveen Kumar Sharma, FIR No.98 dated 07.03.2022 was registered against respondent no.1, driver of Tractor bearing registration No.HR05AB-9530. After completion of

investigation final report under section 173 Cr.P.C. was submitted against respondent no.1.

18. On the other hand, respondent no.2 Naresh Kumar, registered owner of Tractor bearing registration No.HR05AB-9530, examined himself as RW-1 and tendered in evidence his affidavit Ex.DW1/A reiterating the contents of his written statement.

19. The version given by all the witnesses especially the version of eyewitness Kartik, appears to be natural, convincing and credible. Further, police investigated the matter and found that the accident took place on account of rash and negligent driving of respondent No.1 who parked the said tractor-trolley and submitted final charge sheet under section 173 Cr.P.C. Ex.P17 against him in criminal Court. Filing of charge sheet by the police primarily shows that the driver was responsible for the accident. Reliance can be placed upon Mallama vs Balaji and others 2004 ACJ 368 and Girdhari Lal vs Radhey Shyam and others 1993(3) PLR 109 for said purpose. Further more, in Gurdeep Kaur vs Tarsem Singh 2008(2) RCR Civil 774, it has been held that where the driver of offending vehicle is facing trial for causing injuries to the claimant by way of rash and negligent driving, it is safe to hold that accident took place due to his rash and negligent driving.

20. In respect of the evidence led by the claimants, respondent no.1/Driver did not step into the witness box to either deny the accident or to give a different version thereof. Therefore, in view of the law laid down in Bhagwati vs Krishan Kumar Saini 1986 ACJ 331 and Raju and others vs

Sukhwinder Singh and others 2006 (4) RCR Civil 82, an adverse inference is liable to be drawn against the respondents. Having regard to the aforesaid, it is hereby held that the accident in question took place on account of rash and negligent driving of respondent no.1/driver while driving the offending Tractor bearing registration No.HR05AB-9530.

Hence, issue No. 1 is decided in favour of the claimants.

ISSUE NO. 2

21. The second issue arising for consideration is whether the petitioners are entitled to compensation, if so, how much and from whom?

22. In order to determine the amount of compensation payable, firstly, age and income of deceased Naveen Kumar Sharma needs to be determined.

With regard to his age, it must be noted that as per PAN Card Ex.P8 and Matriculation Examination Ex.P9 of Naveen Kumar Sharma, his date of birth is 06.05.1985. The accident in question took place on 06.03.2022 and hence, Naveen Kumar Sharma was about 36 years and 10 months old at the time of accident, as per PAN Card Ex.P8 and Matriculation Examination Ex.P9.

With regard to his income, the petitioners have led both oral and documentary evidence. One Rakesh Chand has been examined as PW-1 who is a Project Manager in the office Protection World, Panchkula. He has exhibited on record certificate Ex.P1 which was issued to deceased Naveen Kumar Sharma by the company in question. The services of the deceased were utilized by the company from time to time and cash payment was made

for the work done by him and it was stated that he was paid ₹25000-30,000/- in a month for his work. This witness has exhibited the certificate since the same has been issued by him. In his cross-examination, he has stated that father of deceased Naveen Kumar Sharma had come to their house for obtaining the certificate. He also stated that Naveen Kumar Sharma had a past experience in performing electrical work and also had an electric diploma.

Abhishek, H.R. Manager, Compass Group India Private Ltd. Gurugram was examined as PW-2. He brought the appointment letter of deceased Naveen Kumar Sharma and stated that he was appointed as a Assistant Facility Manager on 09.08.2017 and proved the appointment letter as Ex.P2. He stated that he left the job on 09.03.2018 and he was drawing a salary of ₹25,330/- at that time. In his cross-examination, he stated that on the date of death of deceased, he was not working in their company.

Sonia wife of deceased has been examined as PW-3. She tendered in evidence her affidavit Ex.PW3/A wherein she stated that at the time of accident, deceased Naveen Sharma was earning ₹50,000/- per month from his work of maintenance of electric machines. In her cross-examination, she admitted that at the time of accident, her husband was not doing any job in any company and also she stated that she does not have any documentary proof regarding the occupation of deceased and his income at the time of accident. She stated that her father-in-law is drawing pension since he is a retired government employee. She also stated that both

petitioners no.6 and 7 are living separately and she alongwith her children are the only dependents upon the income of her husband.

Satbir, father of Naveen Kumar Sharma, was examined as PW4. He tendered in evidence his affidavit Ex.PW4/A. He also reiterated the factum of his son earning ₹50,000/- per month. In his cross-examination, he stated that he is not an eyewitness to the accident and hence, he does not know the cause for the same. He also stated that his son was not in any job at the time of his accident. On basis of the oral and documentary evidence led by the petitioners, the fact which emerges is that at the time of employment of deceased with Compass Group in the year 2017, he was earning ₹25,330/- per month and even when his accounts were settled in December 2018, his salary/net pay was ₹12,171/-. While this was the situation in December, 2018, in March 2022, the factum of him earning ₹25,000-30,000/- has come forth on basis of document Ex.P1. Therefore, it is established that Naveen Kumar Sharma was a skilled worker and was also an income tax payee. His educational certificates have been exhibited on record as Ex.P9 to Ex.P13 whereby it is established on record that he was a diploma holder in electric engineering and hence his capability and capacity to work finds corroboration in Ex.P1 which is backed by the requisite educational qualifications and previous record of his appointment only establishes the capability of deceased to work as well as to earn about ₹25000-30,000/- per month. Since the bracket of ₹25000-30,000/- has been given for the year 2022 and accident in question took place in 2022, keeping

in view the welfare legislative nature of MACT, income of deceased Naveen Kumar Sharma is hereby assessed as ₹30,000/- per month.

23. The next issue to be considered is with regard to the future prospects liable to be added. In view of the law laid down by Hon'ble Supreme Court in National Insurance Company Limited Vs. Pranay Sethi 2017(16) SCC 680, future prospects of 40% are liable to be added to the income of deceased. Hence, total income of the deceased comes to ₹42,000/- (₹30,000/-+40%)

24. Deceased Naveen Kumar Sharma was married at the time of accident. His family consisted of his wife, children and parents. They could be regarded as his dependents. Thus, deduction for personal expenses would be 1/5 as per Sarla Verma v. Delhi Transport Corporation (2003) 6 SCC 121. Hence, 1/5 deduction is liable to be applied to the income of ₹42,000/- of deceased Naveen Kumar Sharma. Hence, his monthly income comes to ₹33,600/- and his annual income comes to ₹4,03,200/- (₹33,600X12).

25. As discussed above, age of deceased was 36 years and 10 months at the time accident, therefore, in view of law laid down in Sarla Verma case (supra) and Pranay Sethi's case (supra), multiplier of 15 would be applicable in this case. Accordingly, claimants are entitled to compensation of ₹60,48,000/- (4,03,200X15).

26. The claimants are also awarded a sum of ₹18,000/- on account of expenditure incurred on transportation of body and last rites of deceased and ₹15,000/- on account of loss of estate as per Pranay Sethi's case (supra)

judgment, wherein 10% increase of amount of ₹15,000/- is allowed after every three years w.e.f. 31.10.2017.

27. Next point to be determined is as to whether petitioner No.7, who is father of deceased, is entitled to get compensation. Admittedly, deceased was unmarried. Hon'ble Supreme Court in 2009 (3) RCR Civil 77 Smt. Sarla Verma and others Versus Delhi Transport Corporation and another has held that generally the mother alone is dependent and father is not dependent upon son. There is nothing on record to show that petitioner No.7 is suffering from any ailment or was dependent upon the deceased. As such, petitioner No.7 is not entitled to any compensation. However, he is only entitled to loss on account of "son consortium". It is only petitioners No.1 to 6 (being wife, children and mother respectively) who are held entitled to compensation on account of death of husband, father and son respectively in the accident in question. Besides this, they shall also be entitled to interest on the awarded amount at the rate of 7% per annum from the date of filing of claim petition till realization.

28. Further, in view of law laid down in Pranay Sethi's case (supra), Magma General Insurance Co. Ltd. vs. Nanu Ram & O ₹ 2018 (18) SCC 130 and United India Insurance Co. Ltd. v. Satinder Kaur @ Satwinder Kaur & O ₹ Civil Appeal No.2075-20 decided on 30.06.2020, petitioners-complainants are entitled to loss of 'husband, father and son consortium' to the tune of ₹48,000/- each.

29. In view of above said discussion, total amount of compensation payable to the claimants in the instant case can be calculated as under:-

Sr.No	Head under which amount awarded	Amount.
1.	Monthly Income of deceased	₹30,000/-
2.	Future Prospects @ 40%(30,000+40%)	₹42,000/-
3.	Deduction for personal and living expenses.(1/5)	₹33,600/- (1/5 deduction from 42,000/-)
4.	Annual income of deceased	₹33,600X12= 4,03,200/-
5.	Multiplier (Age of 36-40 years, multiplier of 15 as per Sarla Verma's Case)	₹4,03,200x15= 60,48,000/-
6.	Consortium – Husband, father and Son consortium to claimants-₹48,000/- each.	₹3,36,000/-
7.	Transportation and funeral expenses	₹18,000/-
8.	Loss of Estate	₹15,000/-
	Total	₹64,17,000/-

In the present case, claimant No.1 being widow, claimants no.2 to 5 being children and claimant no.6 being mother are Class-1 legal heirs of deceased Naveen Kumar Sharma. Hence, claimants no. 1 to 6 are entitled to receive **₹63,69,000/- (Rupees Sixty Three Lakh Sixty Nine Thousand only)** in equal shares, however, claimant No.7 (being father) is entitled to receive **₹48,000/- as consortium loss of son.**

30. Now with regard to issue of liability, it must be noted that death of Naveen Kumar Sharma was caused due to rash and negligent driving of the offending vehicle by respondent no.1. Vide Ex.P25 who has been attached on the file regarding the licence of respondent no.1 Rampal alongwith RC and Insurance of the offending Tractor being in possession of

the police authorities in FIR bearing No.98 dated 07.03.2022. The offending vehicle was insured with respondent no.4-insurance company as on the date of accident vide insurance policy Ex.RA. Hence, all the respondents no.1 to 4 are jointly and severally liable to pay the above said compensation amount to the claimants. The insurance company shall be liable to pay the said amount to petitioners at the first instance but it shall indemnify the insured, if need arises.

Hence, this issue is decided in favour of claimants accordingly.

ISSUES NO.3 to 5:

31. The burden to prove the facts in support of said issues was upon the respondents. No such material has been shown by the respondents to prove violation of any terms and conditions of the Insurance Policy. Hence, said issues are decided against respondents and in favour of petitioners.

ISSUE NO.6 (RELIEF):

32. As a sequel to the findings returned on the above issues, the claim petition is **partly allowed with costs** and an amount of **₹63,69,000/- (Rupees Sixty Three Lakh Sixty Nine Thousand only)** is awarded in favour of the petitioners-claimants no.1 to 6 (being wife, children and mother respectively) in equal shares and an amount of ₹48,000/- is awarded to petitioner no.7 (being father) as consortium loss of son. Petitioners are also awarded simple interest @7% per annum upon the aforesaid amount of compensation from the date of filing of the present claim petition till the actual realization thereof.

All the respondents no.1 to 4 are jointly and severally liable to pay the above said compensation amount to the claimants. The insurance company/respondent No.4 shall be liable to pay the said amount to petitioners at the first instance and it shall indemnify the insured, if need arises.

On realization of the amount of compensation, amount be given to petitioners in cash except petitioners No.2 to 5 who have not yet attained the age of majority. The compensation in favour of petitioners No.2 to 5 (all minors) be deposited in the Fixed Deposit Account of any nationalized bank fetching maximum rate of interest and the same may be released in their favour on their attainment of age of majority without any further order of this Tribunal. It is further directed that petitioners will provide their bank account details to the respondent insurance company within fifteen days.

Respondent No.4-Insurance company may also transfer the amount directly in the account of petitioners by way of RTGS/NEFT or any other such mode, as permitted by the Bank. In that eventuality, the Bank be informed about the direction of this Tribunal about conditions of disbursement as mentioned above.

Reader/Ahlmad is directed to email the authenticated copy of the award to the respondent insurance company in terms of directions issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled **Bajaj Allianz General Insurance Company Versus Union of India and others decided on 16.03.2021** and insurance company shall comply with the directions as issued under Clause (F) of the said judgment.

Sonia etc. Versus Rampal etc.

MACP/93/2022

CNR No.HRJN01001571-2022

19

Counsel fee is assessed at ₹2200/-. Memo of costs be prepared.

Miscellaneous application, if any, also stands disposed off. File be consigned to the record room after due compliance.

Announced in open Court:
10.10.2025

(Shifa)
Presiding Officer,
Motor Accident Claims Tribunal,
Jind. (UID:HR0255)

Note: All the 19 pages of this judgment have been checked and signed by me.

(Shifa)
Presiding Officer,
Motor Accident Claims Tribunal,
Jind. (UID:HR0255)

Surinder Kumar,
Stenographer-I

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Shifa, Presiding Officer,
MACT, Jind, 10.10.2025

Sonia etc. Versus Rampal etc.

MACP/93/2022
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MEMO OF COSTS

		Petitioners	Respondents
1.	Stamp for petition	10.00	0.00
2.	Stamp for power	10.00	50.00
3.	Counsel’ fee	2200.00	2200.00
4.	Misc.	1770.00	10.00
	Total	3990.00	2260.00

Given under my hand and the seal of the court today i.e. 10th day of October, 2025.

(Shifa)
Presiding Officer,
Motor Accident Claims Tribunal,
Jind. (UID:HR0255)

Shifa, Presiding Officer,
MACT, Jind, 10.10.2025