HRSO010009232025

Presented on : 04-02-2025
Registered on : 04-02-2025
Decided on : 30-07-2026
Duration : 1 years, 5 months, 26 days

In the Court of Motor Accidents Claims Tribunal at Sonipat
(Presided Over by Sartaj Baswana)

MACP/55/2025

1. Sharmila aged 41 years wife of Kuldeep
2. Kuldeep aged 44 years son of Dilbag Singh

Both resident of village Rithal, District Rohtak.

….Claimants

Versus

1. Ajmer son of Amar Singh r/o village Mahara, Tehsil Gohana, District Sonipat (Driver-cum-owner of offending vehicle bearing No.HR-11D-5008).
2. United India Insurance Company Ltd. having office at : Above Union Bank of India, near TVS Showroom, Delhi Road, Sonipat, through its Branch Manager

(Insurer of offending vehicle bearing No.HR-11D-5008 vide insurance policy No.0407033124P109309345 valid from 01.10.2024 to 30.09.2025)

….Respondents

Claim Petition under Section 166 of The Motor Vehicles Act.

Present: Shri Joginder Kumar, Advocate for claimants.
Shri R.L. Singla, Advocate for respondent no.1.
Shri Mannu Malik, Advocate for the respondent no.2.

AWARD:-

The claimants are parents of deceased Sumit, aged 22 years, unmarried and self employed and pursuing M.Com, have preferred the present claim petition under Section 166 of The Motor Vehicles Act, 1988 (as amended upto date) for seeking compensation to the tune of Rs.1 crore for his death in a motor vehicular accident having taken place on 14.01.2025.

2. The case set up by the claimants is that on 14.01.2025 Sumit (since deceased) along with his cousin Naveen was coming from Gohana to their village Rithal on their motorcycle. Naveen was driving the motorcycle and Sumit was sitting as pillion. At about 4/5.00 p.m. when they reached near Mahara within the jurisdiction of P.S. Barauda, another motorcycle bearing registration No.HR-11D-5008 (hereinafter referred to as 'offending vehicle'), being driven by its driver in a rash and negligent manner came at a high speed and rammed into their motorcycle. Due to the impact, Naveen and Sumit sustained multiple injuries. Sumit was shifted to BPS Khanpur, from there he was taken to Positron Hospital, Rohtak and then to Vibrant Hospital, Gurugram, where he succumbed to those injuries during the treatment.

3. In that connection, FIR No.10 dated 15.01.2025 under Sections 106, 125(a), 281 of BNS was registered at Police Station Barauda, District Sonipat.

4. It is pleaded that deceased Sumit, aged 22 years, was giving tuitions to the students, helping in agricultural work, and

running milk dairy besides pursuing his study of M.Com and preparing for civil services. From these sources, he used to earn Rs.1 lac per month and the claimants were dependent upon him. Apart from that, an amount of Rs.5 lac was spent on his treatment, transportation and last rites.

5. Upon notice, respondent no.1-driver-cum-owner of the offending vehicle appeared and contested the claim petition by filing reply. Wherein besides taking preliminary objections with regard to the falsity of the claim and false involvement of the offending vehicle, it is pleaded that the FIR was got lodged against him with ulterior motive. It is pleaded that the accident had taken place due to rash and negligent driving of motorcycle No.HR97WYT-7678 by Naveen. The presence of the complainant at the time of occurrence was denied. Denying other material averments, he has pleaded that the offending vehicle was insured with the respondent no.2 and prayed for dismissal of the claim petition.

6. The respondent no.2-insurer in its separate reply took various preliminary objections with regard to maintainability, false involvement of the offending vehicle and denied the factum and manner of accident. It is further pleaded that the respondent no.1 was guilty of breach material terms and conditions of the insurance policy, so it is not liable to indemnify him. The occupation and earning of

deceased Sumit and dependency of claimants on him have been denied. It has thus, prayed for dismissal of the claim petition.

7. From the pleadings of the parties, following issues were culled out by the learned predecessor Tribunal on 27.08.2025:

1. Whether the accident in question took place on 14.01.2025 on account of rash and negligent driving by respondent no.1 while driving the offending vehicle bearing registration No.HR11D-5008 resulting into death of Sumit son of Kuldeep as alleged? OPP.
2. Whether the petitioners are entitled to get compensation, if so, how much and from whom?OPP.
3. Whether the insured has violated the terms and conditions of insurance policy?OPR2.
4. Relief.

8. Parties have adduced evidence in respect of their respective stand.

9. In order to substantiate their claim the claimants have examined following witnesses:

PW1-Sharmila-mother of deceased-claimant no.1: has reaffirmed and reiterated the contents of the petition on oath by way of her duly sworn affidavit Ex.PW1/A and relied on documents Ex.P1 to Ex.P29.

PW2-Kuldeep-father of deceased-claimant no.2: has reaffirmed and reiterated the contents of the petition on oath by way of his duly sworn affidavit Ex.PW2/A and relied on documents Ex.P30 to Ex.P39.

PW3-Naveen-eye-witness of the accident: has testified about the manner of the accident by way of his duly sworn affidavit Ex.PW3/A.

PW4-Bhim Singh-co-villager of claimants: has deposed about the earning of deceased Sumit as his children were taking tuitions from him.

10. In documentary evidence claimants have relied on following documents:-

Ex.P1	Copy of Aadhar card of claimant no.1
Ex.P2	Copy of Aadhar card of claimant no.2
Ex.P3 & Ex.P4	Application forms
Ex.P5	Admit card
Ex.P6 to Ex.P8	Application forms
Ex.P9	Copy of Aadhar card of deceased Sumit
Ex.P10	Copy of PAN card of deceased Sumit
Ex.P11	Copy of identity card of deceased Sumit issued by Pt. Neki Ram Sharma Govt. College, Rohtak, Haryana
Ex.P12	Copy of identity card of deceased Sumit issued by Central Library
Ex.P13	Copy of student identity card of deceased Sumit
Ex.P14	Copy of student identity cum-L.T.M. Card of deceased Sumit
Ex.P15	Copy of driving licence of deceased Sumit
Ex.P16	Copy of degree of Bachelor of Commerce of deceased Sumit
Ex.P17	Copy of certificate of senior school certificate of examination of deceased Sumit
Ex.P18	Copy of result-cum-detailed marks card of deceased Sumit qua bachelor of Commerce Ist Semester

Ex.P19	Copy of result-cum-detailed marks card of deceased Sumit qua bachelor of Commerce 2nd Semester
Ex.P20	Copy of result-cum-detailed marks card of deceased Sumit qua bachelor of Commerce 3rd Semester
Ex.P21	Copy of result-cum-detailed marks card of deceased Sumit qua bachelor of Commerce 4th Semester
Ex.P22	Copy of result-cum-detailed marks card of deceased Sumit qua bachelor of Commerce 5th Semester
Ex.P23	Copy of result-cum-detailed marks card of deceased Sumit qua bachelor of Commerce 6th Semester
Ex.P24	Copy of certificate of secondary school examination of deceased Sumit
Ex.P25	Death certificate of deceased Sumit
Ex.P26 & Ex.P27	Receipts issued by M/s Himanshu Enterprises, New Anaj Mandi, Gohana
Ex.P28	Detailed medical bill
Ex.P29	Copy of driving licence of respondent no.1
Ex.P30	Copy of charge sheet
Ex.P31	Copy of final report under Section 193 BNS
Ex.P32	Copy of complaint
Ex.P33	Copy of site plan
Ex.P34	Post mortem examination report
Ex.P35	Disclosure statement of accused-respondent no.1
Ex.P36	Copy of driving licence of respondent no.1
Ex.P37	Copy of certificate of registration of the offending vehicle
Ex.P38	Copy of insurance policy
Ex.P39	Copy of FIR
Ex.P40	Copy of Aadhar card of Bhim Singh
Ex.P41 to Ex.P44	Medical bills

11. On the other hand, learned counsel for the respondent no.1 has tendered the documents i.e. Ex.R1-copy of driving licence; Ex.R2-copy of insurance policy; Ex.R3-copy of registration certificate.

12. I have appraised the rival submissions made on behalf of both the sides and have gone through the material on record thoroughly and carefully. My findings on the various issues with reasons therefor are as under:-

ISSUE NO.1:-

13. Onus to prove this issue was on claimants.

14. In order to substantiate the claim of the claimants, PW1-mother of deceased Sharmila and PW2-Kuldeep-father of deceased appeared and reiterated and affirmed the contents of the claim petitions in their duly sworn affidavits Ex.PW1/A and Ex.PW2/A.

15. Further the claimants have examined Naveen as PW3. He was the eye-witness of the accident. In his affidavit Exh.PW3/A tendered in examination-in-chief, he has testified about the manner of the accident as disclosed in the FIR (Exh.P39). He was subjected to lengthy cross-examination but nothing material or substantive could be brought forth to impeach his credibility. PW2-Kuldeep-author of FIR has corroborated the testimony of PW3.

16. After registration of FIR (Ex.P39), police carried out the investigation. On completion of investigation, challan was submitted in the Court of learned Area Magistrate, Gohana, District Sonipat against

Ajmer (respondent no.1). Perusal of report under Section 193 of BNS would show that respondent no.1 during investigation was found responsible for causing the accident in question.

17. In case **National Insurance Company Limited Vs Sanjay Kumar & Ors. -2011 Vol. II ACC 75** it was held by Hon'ble High Court of Punjab & Haryana that when driver of offending vehicle is facing criminal trial, prima facie it can be presumed that he was responsible for accident. Reliance is further placed on judgment of Hon’ble Supreme Court titled as **Ranjeet & Anr. Vs. Abdul Kayam Neb & Anr., Civil Appeal arising out of SLP (C) No.10351/ 2019 decided on 25.02.2025** wherein it was held that once a charge sheet has been filed and the driver has been held negligent, no further evidence is required to prove that the bus was being negligently driven by the bus driver. Even if the eyewitnesses are not examined, that will not be fatal to prove the death of the deceased due to negligence of the bus driver.

18. Noticeably, there is no rebuttal to the aforesaid evidence either by the driver-cum-owner or the insurer of the offending vehicle. Nor the complicity of the driver in causing the said accident has been assailed before the higher forum. Surprisingly, despite opportunity the respondent no.1-Ajmer–driver-cum-owner of offending vehicle has not stepped into the witness box to controvert the strong and reliable testimony of PW3-Naveen and conclusion of investigation regarding

the manner of accident. Nor the plea of collusion is substantiated on record.

19. In authoritative pronouncement of Hon'ble High Court of Punjab & Haryana rendered in **Girdhari Lal Versus Radhey Shyam, (1993-2) PLR 109,** which was further relied in **Gurdeep Kaur Versus Tarsem Singh, 2008(2) RCR(Civil) 774**, it was held that in a case where driver was being tried on account of rash and negligent driving of a vehicle, it could be prima facie safe to conclude that the accident had occurred on account of his rash and negligent act. Reliance is further placed on Judgment of Hon'ble Supreme Court in case titled **Ranjeet and Another versus Abdul Kayam Neb and Another, SLP (C) No. 10351/2019 decided on 25.02.2025.**

20. The learned counsel for the insurance company-respondent no.2 has strenuously argued that it was a case of head on collusion of motorcycle, so, the principle of contributory in negligence is applicable. Furthermore, as contended, the author of FIR is not the eye witness. I do not find merit in these contentions. I have already discussed how the factum of accident and allegations of rash and negligent driving attributed to respondent no.1 have been substantiated by PW3, filing of charge-sheet and subjecting respondent no.1 to trial. There is no evidence led to rebut these voluminous material against him. Moreso, the respondent no.1 in his reply has admitted the presence of Naveen (PW3) at the time of accident, so, he being injured

has clearly testified about the manner in which the accident had taken place, which cannot be doubted in the summary proceedings. Hence, both the contention stand repelled.

21. Having regard to the reliable testimony of PW3-Naveen-eye witness of the accident, coupled with the fact that there was no delay in reporting the matter to the police and considering that the respondent no.1 is facing trial in connection with his alleged rash and negligent act, in absence of any evidence in rebuttal to the same, relying on the proposition of law discussed above, it is held that accident occurred on account of rash and negligent act of driver of motorcycle bearing registration no.HR-11D-5008 i.e. respondent no.1 at the relevant time and which resulted in causing death of Sumit.

ISSUE NO. 2:

22. So far as the age of the deceased Sumit is concerned, the claimants have pleaded that deceased Sumit was aged about 22 years and to prove this fact, they relied on copy of his Aadhar Card (Ex.P9), PAN card (Ex.P10), driving licence (Ex.P15) in which date of birth of deceased Sumit is mentioned as 24.10.2003 and the accident in question took place on 14.01.2025. Further in post mortem examination age of deceased is also mentioned as 22 years. There is no rebuttal to these documentary evidence. Thus, age of deceased Sumit is accepted as 21 years 2 months approximately on the date of accident.

23. So far as the income of deceased is concerned, the deceased Sumit was studying of M.Com. and the claimants have relied on document Ex.P16-copy of degree of bachelor of commerce and other relevant documents i.e. Ex.P3, Ex.P5, Ex.P6 to Ex.P8 shown applying for various posts by deceased Sumit.

24. The claimants have claimed that deceased-Sumit was giving tuitions to the students, helping in agricultural work, and running milk dairy besides pursuing his study of M.Com and preparing for civil services. From these sources, he used to earn Rs.1 lac per month and the claimants were dependent upon him. To prove this fact, the claimants have examined Bhim Singh, co-villager of claimants who has deposed about the earning of deceased Sumit as his children were taking tuitions from him. However, despite opportunity, no documentary or supporting evidence has been produced on record to prove that fact, and except the bald statement of PW4 they could not prove the actual earning of deceased-Sumit. Further there is any positive evidence led to accept that he owned any agricultural land or he worked as an agriculturist.

25. In these circumstances, in absence of any cogent proof of the income of the deceased Sumit, I rely upon the decision of the Hon'ble Supreme Court in **Deepak Singh @ Deepak Chauhan Vs. Mukesh Kumar and others, SLP (C) D.No.236/2024, decided on 10.02.2025**, wherein para no.7 it was held as under:-

"While dealing with the claim of compensation of similarly placed individual, i.e. a student in his twenties, this Court in ***Harpreet Singh (Supra)*** *took exception to equating the notional income of an Engineering student to that of an unskilled worker the following terms -*

> *"13. But we do not think the notional income of a student undergoing a Degree course in Engineering from a premier institute should be taken to be equivalent to the minimum wages admissible to an unskilled worker. Students recruited through campus interviews are at least offered a sum of Rs.20,000/- per month. Even if we do not go on the said basis, the High Court could have fixed the notional income at least Rs.10,000/- per month.*
>
> *14. Therefore, in the facts and circumstances of the case, and by exercising our power under Article 142 of the Constitution of India, we take the notional monthly income of the appellant as Rs.10,000/- per month."*

26. Taking into consideration, the educational qualifications of deceased-Sumit who was pursuing M.Com. and the background of the family for awarding fair and just compensation in this case and today's life style and opportunities, I take the income of deceased Sumit as Rs.20,000/- per month for assessment of compensation.

27. So far as deduction towards personal expenses with regard to a bachelor is concerned, in **Sarla Verma and others Vs Delhi Transport Corporation and another - 2009 ACJ 1298** it was held as under:-

> *"Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally 50 per cent is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically."*

28. Therefore, by applying deduction of 50%, the monthly dependency of the claimants, therefore, comes to be **Rs.10,000/-.**

29. Relying upon the judgment of Constitution Bench of the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors. bearing Special Leave Petition (Civil) No.25590 of 2014 decided on 31.10.2017,** since the deceased, aged 21 years approximately, was found self employed and was under the age of 40 years, 40% of his income is to be added towards future prospects. Thus, by adding 40% of the income of deceased i.e. to the tune of **Rs.14,000/-** towards future prospects, the total income works out to be **Rs.14,000 x 12 = Rs.1,68,000/- per annum.**

30. Thus, in view of the legal position explained by Hon'ble Supreme Court in **Sarla Verma Versus Delhi Transport Corporation (2009) 6 SCC 121**, which has been affirmed in **Pranay Sethi's case**, having come to the conclusion that the deceased was in the age group of 21 to 25 years, appropriate multiplier to be applied in this case shall be '18'. Therefore, by applying the multiplier of '18' as has been held

above, the amount of compensation comes to **Rs.1,68,000 x 18 = Rs.30,24,000/-.**

31. Further reliance is placed on the latest judgment of Hon'ble Supreme Court in **Civil Appeal No.248 of 2026 (Arising out of SLP (C) No.5496 of 2020) decided on 13.01.2026** titled as **NirmalaBai and others Vs. Mansingh & others,** wherein it was held that all dependents (widow, son and daughter) are eligible for consortium, thus, was awarded Rs.40,000/- per head.

32. Applying the aforesaid judgments to the facts in hand, all the claimants are held entitled to loss of consortium of Rs.44,000/- each.

33. Apart from above, placing reliance on **Pranay Sethi's** case, on conventional heads namely, loss of estate and funeral expenses, a sum of Rs.16,500/- and Rs.16,500/- respectively are also awarded to the claimants

34. In view thereof, I deem it just and proper to award the compensation under following heads:-

Sr. No.	Head of compensation	Amount.
1.	Loss of dependency	**Rs.30,24,000/-**
2.	Loss of consortium (Rs.44,000/- x 2)	Rs.88,000/-
3.	Loss of estate	Rs.16,500-00
4.	Funeral expenses	Rs.16,500-00
	Total	**Rs.31,45,000/-**

35. Hence, issue no.2 is decided in favour of claimants and against the respondents.

ISSUES No.3:

36. Exh.P38/Ex.R2 is the copy of insurance policy in respect of the offending vehicle, which reveals that it was insured with respondent no.2 for the period from 01.10.2024 to 30.09.2025. It covers the date of the accident. As such, both the respondents being driver, owner and insurer respectively of the offending vehicle are jointly and severally liable to pay compensation amount to the claimants. As the vehicle was covered by a valid insurance policy, the respondent no.2 is liable to indemnify the insured and therefore the primary liability to pay compensation shall be that of the said respondent no.2, i.e., insurance company.

37. Ex.P36/Ex.R1 is the copy of driving licence issued by Licencing Authority, Gohana, District Sonipat authorizing him to drive MC with gear, LMV-NT-Car only for the period from 03.11.2015 to 19.05.2029. Meaning thereby respondent no.1 was authorized to drive the kind of offending vehicle for the period which covers the date of accident. There is no evidence on the part of Insurance Company i.e. respondent no.2 to show that said driving licence is fake or invalid for any reason; nor any evidence has been produced regarding violation of any of the terms and conditions of the insurance policy. As such, issue no.3 is decided against the respondent no.2.

ISSUE No.4 (RELIEF):

38. In view of the findings on all the issues as above, the claim petition partly succeeds and is accordingly allowed with cost in favour of the claimants and against the respondents. Compensation of **Rs.31,45,000/-** is awarded to the claimants payable by the respondents jointly and severally together with costs and interest at the rate of 7.5% per annum from the date of institution of the petition till realization. The primary liability to pay compensation shall be that of the respondent no.2, i.e. insurance company.

39. Having regard to the relationship of claimants with the deceased and their probable life span, it is directed that compensation amount along-with proportionate interests, awarded above, shall be disbursed amongst them in the following manner:-

(a)	**Rs.21,45,000/-/-**	to claimant no.1-Smt.Sharmila-mother of deceased.
(b)	**Rs.10,00,000/-**	to claimant No.2-Kuldeep-father of deceased.

40. It is further directed that 20% of the compensation amount payable to claimants no.1 and 2 along-with proportionate interest shall be paid to them immediately; whereas remaining 80% of the amount along-with proportionate interest of claimants no.1 and 2 is ordered to be deposited in separate FDRs / monthly income scheme in some nationalized bank or Post Office scheme or bank of their choice in any nationalized bank in their respective name for a period of two years.

On maturity, FDRs amount be paid to them through their bank account under intimation to this Court. Ordered accordingly. The claimants will submit the details of their respective bank account along with bank account details for disbursement of the compensation at the earliest. No premature encashment or advance against FDRs be made unless ordered by the Court.

41. Counsel fee, in absence of certificate, is assessed at Rs.3300/-. Memo of costs be prepared accordingly. File be consigned to the record room after due compliance.

Pronounced in open court. (Sartaj Baswana)
30.07.2026 Motor Accidents Claims Tribunal,
(Anil Kumar) Sonipat. UID No.HR0487

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

(Sartaj Baswana)
Motor Accidents Claims Tribunal,
Sonipat, 30.07.2026