

//Lilawati and others Versus Kuldeep and others//
AND
//Ajay Kumar Versus Kuldeep and others//

-(1)-

HRRE010019712020



Presented on : 02-03-2020
 Registered on : 02-03-2020
 Decided on : 01-07-2026
 Duration : 6 years, 3 months, 30 days

Before Motor Accident Claims Tribunal at Rewari
Presided Over by Ankita Sharma
UID No.HR-0275

MACP/134/2020

1. Lilawati widow of Sh. Bhal Singh (Widow of deceased),
 2. Sunil Kumar son of Sh. Bhal Singh (son of deceased),
 3. Yogesh Kumar son of Sh. Bhal Singh (son of deceased),
 4. Bala Devi daughter of Sh. Bhal Singh (daughter of deceased),
- All residents of Village Dahina, Tehsil Dahina, District Rewari.

.....Claimants/Petitioners.

Versus

1. Kuldeep son of Sh. Laxminarayan, resident of House No.4710, Muktiwara, Rewari, Tehsil and District Rewari (**Driver of offending vehicle Mahindra Scorpio car bearing registration no. HR-26BQ-1061**).
2. Sanjay Kumar son of Sh. Manohar Lal, resident of Village Rasulpur, Tehsil Kanina, District Mahendergarh-123027 (**Owner of offending vehicle Mahindra Scorpio car bearing registration no. HR-26BQ-1061**).
3. Shriram General Insurance Company Limited, Policy issuing Office-

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SCF-P-29, Sector 14, 1st Floor Gurugram Haryana-122002,
 Registered Office Address:-E-8, EPIP, RIICO Industrial Area,
 Sitapura, Jaipur, Rajasthan-302022 (**Insurer of offending vehicle**
Mahindra Scorpio car bearing Registration Number HR-26BQ-1061
vide police number 102015/31/20/017426 valid from 06.12.2019 to
05.12.2020).

.....Respondents

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HRRE010036122020



Presented on : 31-07-2020
 Registered on : 31-07-2020
 Decided on : 01-07-2026
 Duration : 5 years, 11 months, 1 days

Before Motor Accident Claims Tribunal at Rewari
Presided Over by Ankita Sharma
UID No.HR-0275

MACP/271/2020

Ajay Kumar son of Sh. Daya Ram resident of Village Dahina,
 Tehsil and District Rewari.

.....Claimant/Petitioner.

Versus

1. Kuldeep son of Sh. Laxminarayan, resident of House No.4710,
 Muktiwara, Rewari, Tehsil and District Rewari (**Driver of offending**
vehicle Mahindra Scorpio car bearing registration no. HR-26BQ-
1061).

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2. Sanjay Kumar son of Sh. Manohar Lal, resident of Village Rasulpur, Tehsil Kanina, District Mahendergarh-123027 (**Owner of offending vehicle Mahindra Scorpio car bearing registration no. HR-26BQ-1061**).
3. Shriram General Insurance Company Limited, Policy issuing Office- SCF-P-29, Sector 14, 1st Floor Gurugram Haryana-122002, Registered Office Address:-E-8, EPIP, RIICO Industrial Area, Sitapura, Jaipur, Rajasthan-302022 (**Insurer of offending vehicle Mahindra Scorpio car bearing Registration Number HR-26BQ-1061 vide police number 102015/31/20/017426 valid from 06.12.2019 to 05.12.2020**).

.....Respondents

Claim petitions under Section 166 of Motor Vehicles Act, 1988.

Present: Sh. Ravi Yadav, counsel for petitioners/claimants.
 Sh. Suresh Rao, counsel for respondents no. 1 and 2.
 Sh. Rajeev Gupta, counsel for respondent no. 3.

AWARD:

Both the above captioned petitions have arisen out of same accident, hence, being decided by way of one Award. Award is being passed in petition bearing no. MACP/134/2020, titled as '*Lilawati and others Versus Kuldeep and others*', and copy thereof will be placed in the connected petition bearing no. MACP/271/2020, titled as '*Ajay versus Kuldeep and others*'.

2. Both the present matter have come up before this Tribunal by way of petitions under Section 166 of Motor Vehicles Act filed by the

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petitioners against the respondents seeking therein compensation to the following effect:-

1. MACP 134/2020, titled as *“Lilawati and others versus Kuldeep and others”*- Rs. 70,00,000/- on account of death of Bhal Singh son of Sh. Mamchand,
2. MACP 271/2020, titled as *“Ajay versus Kuldeep and others”*- Rs. 50,00,000/-on account of injuries sustained by Ajay,

in motor vehicular accident, which took place on 06.01.2020 at about 06:30 PM, due to use of Mahindra Scorpio vehicle bearing registration no. HR-26BQ-1061, hereinafter referred as the offending vehicle, driven by respondent no. 1, owned by respondent no. 2 and insured with respondent no. 3.

Facts in MACP 134/2020, titled as “Lilawati and others versus Kuldeep and others”

3. It is the case of the petitioners that on 06.01.2020, Bhal Singh alongwith Ajay Kumar was going on motor cycle bearing Registration No. HR-99RE-4612 to his home at village Dahina after completing his duty. It has further been averred that at that time motorcycle was being driven by Ajay Kumar at a normal speed while observing traffic rules. It has further been averred that at about 06:30 PM, when they reached near ‘*Subh Mangal Samahroh Sathal*’, Railway Station Dahina, District Rewari, they stopped their motor cycle after seeing Devender and while sitting on

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motorcycle they started talking to Devender and in the meantime a Mahindra Scorpio car, bearing registration no. HR-26BQ-1061, which was being driven by respondent no. 1 in a rash and negligent manner, came from the direction of Rewari at a very high speed and hit against the motorcycle on which Bhal Singh and Ajay were sitting and due to accident Bhal Singh and Ajay Kumar sustained multiple grievous injuries on vital parts of their bodies. It has further been averred that after accident, Bhal Singh was brought to Government Hospital, Rewari where he was declared brought dead. It has further been averred that thereafter post-mortem examination of the body of Bhal Singh was conducted. It has further been averred that in this regard case bearing FIR no. 11 dated 07.01.2020, under Sections 279, 337 and 304-A of Indian Penal Code was registered at police station Khol, District Rewari. It has further been averred that amount of Rs.50,000/- was spent on last rites of deceased. It has further been averred that Bhal Singh was of 54 years of age and he was working as a Conductor/Cleaner on Truck bearing Registration No. HR-66A-3119 and was also an agriculturist and was earning Rs.13,000/- per month from his salary as a Conductor/Cleaner and Rs.3,00,000/- per annum from agriculture. It has further been averred that deceased Bhal Singh was having sound health, good physique and was a hard-working man. It has further been averred that due to death of Bhal Singh, petitioners have lost the present and future income of deceased and his income was increasing

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day by day.

Facts in MACP 271/2020, titled as “Ajay versus Kuldeep and others”:-

4. It is the case of the petitioner that on 06.01.2020, he alongwith Bhal Singh was going on motor cycle bearing Registration No. HR-99RE-4612 to his home at village Dahina after completing his duty. It has further been averred that at that time motorcycle was being driven by him at a normal speed while observing traffic rules. It has further been averred that at about 06:30 PM, when they reached near ‘*Subh Mangal Samahroh Sathal*’, Railway Station Dahina, District Rewari, he stopped his motor cycle after seeing Devender and while sitting on motorcycle they started talking to Devender and in the meantime a Mahindra Scorpio car, bearing registration no. HR-26BQ-1061, which was being driven by respondent no. 1 in a rash and negligent manner, came from the direction of Rewari at a very high speed and hit against the motorcycle on which he and Bhal Singh were sitting and due to accident he sustained multiple serious injuries and sustained fracture on his face, head, chest, forehead, right wrist, left eye, right knee, right ankle. It has further been averred that after accident he was taken to Pushpanjali Hospital, Rewari where he underwent treatment and thereafter he was referred to Gastroenterologist for further treatment and thereafter he was admitted to Kainos Superspecialty Hospital, from where he was discharged on 22.01.2020. It has further been averred that thereafter

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again due to serious condition, he was admitted to Pushpanjali Hospital on 01.02.2020 and remained admitted there till 04.02.2020 at about 03.27 PM. It has further been averred that due to serious condition, he was again admitted to Pushpanjali Hospital on 04.02.2020, itself and thereafter he was discharged from the hospital on 07.02.2020. It has further been averred that an amount of Rs. 10,00,000/- was spent on his treatment, medicines, transportation, doctor's fees, special diet etc. and he is still undergoing treatment. It has further been averred that at the time of accident he was 28 years of age and was working as Assistant Relationship Manager-Bancassurance (Employee No. 3413390) at PNB Met Life Insurance Company and he was earning Rs.2,80,000/- per annum from salary and Rs.20,000/- per month as incentives. It has further been averred that due to multiple injuries caused in accident, he is completely bed-ridden from the date of accident till date. It has further been averred that the accident took place within the jurisdiction of Police Station Khol and a FIR bearing no. 011 dated 07.01.2020 regarding the said occurrence for commission of offence punishable under Sections 279, 304-A and 337 of Indian Penal Code was registered at Police Station Khol.

5. Both the petitions were contested by the respondents. Respondents no. 1 and 2 appeared and resisted the claim of the petitioners by way of filing a joint written statement, wherein, certain preliminary objections pertaining to maintainability, locus-standi, cause of action

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amongst others have been taken. On merits, it has been submitted that no accident has taken place by the use of vehicle bearing registration no. HR-26BQ-1061 at the given date, time and place and accident, if any, has taken place, due to rash and negligent act of Bhal Singh and Ajay Kumar, themselves. It has further been averred that a false FIR bearing no. 11 dated 07.01.2020, under Section 279, 337 and 304-A of Indian Penal Code has been got registered at police station Khol by the petitioners in collusion with the police. It has further been averred that even the medical record is false and fabricated. It has further been submitted that the amount claimed is highly exorbitant and the petitioners are not entitled to claim the same. It has further been averred that at the time of alleged accident, respondent no. 1 was having a valid and effective driving licence and respondent no. 2 was having a valid registration certificate and the vehicle in question was duly insured with respondent no. 3 and therefore, even if the Tribunal reaches at the conclusion that petitioners are entitled for compensation, then the compensation amount is to be indemnified by respondent no. 3, insurance company. It has further been averred that a false and concocted claim petition has been filed by the petitioners and the same deserves to be dismissed.

6. Further, respondent no. 3 filed a separate written statement, wherein, the averments made in the claim petition have been controverted and certain preliminary objections pertaining to maintainability,

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suppression of material facts, cause of action, mis-joinder and non-joinder of necessary parties amongst others have been taken. On merits, it has been averred that no accident has taken place by the use of vehicle bearing registration no. HR-26BQ-1061 at the given date, time and place as is being alleged by the petitioners. It has further been averred that accident, if any, has taken place then the same has taken place due to rashness and negligence of Bhal Singh and Ajay Kumar in driving motorcycle bearing registration no. HR-99-RE-4612. It has further been averred that Bhal Singh and Ajay Kumar were not wearing helmets at the time of accident and were under the influence of alcohol and were driving the motorcycle on the wrong side of the road and there were three passengers on the motorcycle. It has further been averred that a false FIR has been got registered by the petitioners in collusion with local police just to grab the compensation amount. The age, occupation and earnings of Bhal Singh and Ajay Kumar have also been denied. It has been averred that even the medical documents are false and fabricated and have been procured by the petitioners. It has further been averred that respondent no. 1 was not having a valid and effective driving licence for driving car bearing registration no. HR-26BQ-1061 at the time of accident and further, respondent no. 2 was not having valid and effective registration certificate, pollution certificate and valid policy on the date of accident of the vehicle in question and therefore, insurance company is not laible to indemnify the award amount,

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if any. A prayer for dismissal of claim petition was made.

7. Since, both the claim petitions had arisen out of the same accident, therefore, they were consolidated vide order dated 26.10.2021 and vide order of even date, from the pleadings of the parties, following issues were settled by Sh. Sartaj Baswana, the then learned Presiding Officer of Motor Accident Claims Tribunal, Rewari:-

- i. Whether the deceased Bhal Singh died and injured Ajay Kumar sustained injuries in a motor vehicular accident occurred on 06.01.2020, on account of rash and negligent driving of vehicle bearing No. HR-26BQ-1061 by respondent no.1? OPP
- ii. If issue No.1 is proved, to what amount of compensation the claimants are entitled to and from whom? OPP
- iii. Whether respondent No.1 was not holding a valid and effective driving license on the date of alleged accident? OPR
- iv. Whether respondent no.2-owner has violated any terms of insurance policy, if so to what effect? OPR
- v. Relief.

No other issue was pressed or claimed. Onus was not disputed.

8. I have heard the arguments advanced by learned counsel for the parties and have perused the case file carefully and minutely and my issue-wise findings with reasons thereof are as follows:-

ISSUE NO. (i):

(In MACP 134/2020, titled as “Lilawati and others versus Kuldeep and others” and “MACP 271/2020, titled as “Ajay versus Kuldeep and others”).

9. The onus to prove this issue was on the petitioners. It is well

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settled that in accident claim cases the burden to prove negligence of the driver of offending vehicle upon the petitioner is not as strict as it is on the prosecution in criminal matters. The law with regards to compensation in accident claim cases is a beneficial piece of legislation. These cases are not to be viewed with high-powered spectacles or microscopes but a pragmatic approach is to be adopted. Evidence in these cases is appreciated on the basis of preponderance of probabilities. Even the strict rules of Code of Civil Procedure and Evidence Act do not apply in these cases. Reliance in this regard is placed upon ratio of law as laid down by Hon'ble Apex Court in case titled as **Parmeshwari Devi Versus Amir Chand and others, 2011 (2) RCR (Civil) 153** and **Virender Jeet Singh Versus Tejender Singh and others, 2008(1) RCR (Civil) 67, Hon'ble Punjab and Haryana High Court** whereby it was held that Tribunal can not act as criminal Court and demand proof of accident beyond shadow of reasonable doubt. The proceedings under the Act are summary in nature and strict rules of evidence are not applicable. The job of the Tribunal is to ascertain that the accident has occurred due to the use of the vehicle and due to negligence on the part of the driver of said motor vehicle.

10. In order to discharge burden of proving the case, **petitioner no. 2 Sunil Kumar** (in petition titled as Lilawati and others Versus Kuldeep and others) has stepped into the witness-box as **PW1** and has tendered in his examination-in-chief, his duly sworn affidavit Ex. PW1/A, wherein, he has

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deposed on the lines of his claim petition and the same need not be reproduced. In his cross-examination, he has stated that he has brought the birth record of his father Ex. P3 according to which date of birth of his father is 11.05.1965.

11. Further, petitioners have examined **Devender Kumar** as **PW2**, who has tendered in his examination-in-chief, his duly sworn affidavit Ex. PW2/A, wherein, he has maintained that on 06.01.2020 at about 6:30 PM, he was standing at '*Shubh Mangal Samahroh Sathal*', when Bhal Singh along with Ajay Kumar came there on motorcycle bearing registration no. HR-99 RE 4612, which was being driven by Ajay Kumar at a normal speed while observing all the traffic rules and on seeing him they stopped their motorcycle on their side and while sitting on the motorcycle they started talking to him and in the meantime, Mahindra Scorpio car bearing registration no. HR-26BQ-1061 came from the direction of Rewari, which was being driven by respondent no.1, in a rash and negligent manner and at a very high speed and hit against the motorcycle on which Bal Singh and Ajay Kumar were sitting and due to accident both of them sustained injuries. He has further stated that he noted down the registration number of offending vehicle as HR-26BQ-1061. He has he has further maintained that after accident the driver of the vehicle along with vehicle fled away from the spot. He has further maintained that Bhal Singh and Ajay Kumar were taken to Government Hospital, Trauma Centre, Rewari in an ambulance but

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Bhal Singh was declared to be brought dead at the hospital and Ajay Kumar was sent to a private hospital. He has further maintained that accident in question was caused due to rash and negligent driving of Mahindra Scorpio car bearing registration no. HR-26BQ-1061 by respondent no. 1. He has further stated that in this regard case bearing FIR no. 11 dated 07.01.2020, under sections 279, 337 and 304 A of Indian Penal Code has been registered at Police station Khol. In his cross-examination, he has stated that the matter was informed to the police by him. He has further stated that the family members of the injured shifted the injured to the hospital. He has further stated that he stayed at the spot for 20-25 minutes. He has further stated that police recorded his statement at the spot on the day of accident.

12. Further, petitioner **Ajay Kumar** (in petition titled as Ajay Kumar Versus Kuldeep and others) has stepped into the witness-box as **PW3** and has tendered in his examination-in-chief, his duly sworn affidavit Ex. PW3/A, wherein, he has deposed on the lines of his claim petition and the same need not be reproduced. In his cross-examination, he has stated that he has received Rs. 3,00,000/- from PNB Met life Insurance Company regarding his treatment and remaining was spent by his father.

13. Further, petitioners have examined **Chote Lal, Record Keeper, Pushpanjali Hospital** as **PW4**, who has brought the summoned record pertaining to petitioner Ajay Kumar and has stated that Ajay Kumar

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remained admitted in Pushpanjali Hospital from 06.01.2020 till 18.01.2020, from 19.01.2020 till 22.01.2020 and from 01.02.2020 till 07.02.2020 and in this regard discharge summaries are Ex. P6 to Ex. P8. He has further stated that medico-legal examination report of Ajay Kumar is Ex. P9. He has further stated that final bills of Ajay Kumar are Ex. P10 to Ex. P12 and medical bills and OPD bills are Ex. P13 to Ex. P29. He has further stated that 'Ruqa' is Ex. P30. In his cross-examination, he has stated that their hospital has received Rs. 1,89,730/- on 18.01.2020 from Medi Assist and detail of letter is Ex. RX.

14. Further, petitioners have examined **Vikas Yadav** as **PW5**, who has stated that Bhal Singh was working under his supervision as a conductor and was getting a salary of Rs. 13,000/- per month till 06.01.2020. In his cross-examination, he has stated that he has not brought forth any documentary proof of his firm, GST record, service Tax record, Income Tax Sales Tax return or account statement of proprietorship firm.

15. Further, petitioners have examined **Dr. Kanchan Yadav, Senior Medical Officer, Civil Hospital, Rewari**, who has stepped into the witness-box as **PW6** and he has stated that Ajay Kumar was medically examined by her and no perception of light was there in the left eye of Ajay Kumar whereas vision in his right eye was 6/6 and it was a case of post-traumatic optic neuropathy in the left eye and the disability was found to be 30%

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visual disability of left eye. She has further stated that the disability is permanent and there is no possibility of improvement. She has further stated that the disability certificate in this regard is Ex. P34.

16. Further, the petitioners have placed on record before the Tribunal following documents:-

Ex. P1	:	Copy of Aadhaar Card of Sunil Kumar
Ex. P2	:	Copy of post-mortem report of Bhal Singh
Ex. P3	:	Certificate regarding age of Bhal Singh, issued by Principal of Government Primary School, Jainabad Dahina
Ex. P4	:	Copy of Aadhaar Card of Devender Kumar
Ex. P5	:	Copy of FIR No.0011 dated 07.01.2020 under Sections 279, 304A and 337 of Indian Penal Code, Police Station Khol.
Ex. P6	:	Copy of discharge summary of Ajay Kumar
Ex. P6 (repeat)	:	Copy of Aadhaar Card of Ajay Kumar
Ex. P7	:	Copy of discharge summary of Ajay Kumar
Ex. P8	:	Copy of discharge summary of Ajay Kumar
Ex. P9	:	Copy of Medico Legal Examination Report of Ajay
Ex. P10	:	Copy of Duplicate Final Medical Bill pertaining to Ajay Kumar
Ex. P11	:	Copy of Final Bill pertaining to Ajay Kumar
Ex. P12	:	Copy of Final Bill pertaining to Ajay Kumar
Ex. P13 to Ex. P29	:	Copy of bills pertaining to Ajay Kumar.
Ex. P30	:	Report of doctor dated 06.01.2020
Ex. P31	:	Letter of Authorization issued by Pushpanjali Hospital
Ex. P32	:	Copy of registration certificate of vehicle bearing registration no. HR-66A-3119
Ex. P33	:	Copy of Aadhaar Card of Vikas Yadav
Ex. P34	:	Copy of Certificate of disability pertaining to Ajay

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		Kumar.
Ex. P35 and Ex.PW36	:	Bills
Ex. P37	:	Copy of discharge summary of Ajay Kumar
Ex. P38	:	Copy of OPD Prescription pertaining to Ajay Kumar
Ex. P39	:	Cash bill
Ex. P40	:	Copy of Clinical Biochemistry (Test report)
Ex. P41	:	Bill
Ex. P42	:	Ultrasound report
Ex. P43	:	Certified copy of Charge-sheet dated 10.08.2021 in case titled as 'State Versus Kuldeep' bearing FIR no. 11 dated 07.01.2020, under Sections 279, 337 and 304 A of Indian Penal Code, Police Station Khol
Ex. P44	:	Certified copy of Site Plan in case titled as 'State Versus Kuldeep' bearing FIR no. 11 dated 07.01.2020, under Sections 279, 337 and 304 A of Indian Penal Code, Police Station Khol
Ex. P45	:	Certified copy of Superdari order in case titled as 'State Versus Kuldeep' bearing FIR no. 11 dated 07.01.2020, under Sections 279, 337 and 304 A of Indian Penal Code, Police Station Khol
Ex. P46	:	Certified copy of Insurance
Ex. P47	:	Certified copy of Registration Certificate of vehicle registration No. HR-26BQ-1061
Ex. P48	:	Copy of driving licence of Kuldeep
Ex. P49	:	Certified copy of challan in case titled as 'State Versus Kuldeep' bearing FIR no. 11 dated 07.01.2020, under Sections 279, 337 and 304 A of Indian Penal Code, Police Station Khol
Ex. P50	:	Copy of Identity Card issued by PNB MetLife in the name of Ajay Kumar
Ex. P51	:	Copy of pay-slip for the month of March 2020 pertaining to Ajay Kumar
Ex. P52	:	Copy of appointment letter in the name of Ajay Kumar issued by PNB MetLife
Ex. P53	:	Copy of statement of account of Ajay Kumar for the period from 06.07.2019 to 07.04.2020

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Ex. P54	:	Copy of ‘ <i>Jamabandi</i> ’ for the year 2015-2016
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17. During the course of arguments, the Learned counsel for petitioners has placed reliance upon **Mohammed Mukhtar M.D. Versus Abdul Moiddin and others**, Civil Appeal No.15225 of 2025 decided on 09.12.2025, **Tata AIG General Insurance Company Limited Versus Jyoti Vaid and others**, FAO-399-2022 decided on 31.08.2022, **Seema Rani and others Versus The Oriental Insurance Company Limited and others**, Civil Appeal No.2323 of 2025 decided on 11.02.2025, **IFFCO Tokio General Insurance Company Limited Versus Gurwinder and others**, FAO-5069-2018 (O&M) decided on 27.01.2026, **Kuldeep @ Sonu and others Versus Jagdeep and another**, FAO-4053 of 2019 (O&M) decided on 10.12.2025.

18. On the other hand, respondents have placed on record before the Tribunal following documents:-

Ex. R1	:	Report of Neuropathy Doctor
Ex. R1 (repeat)	:	Copy of Driving Licence of Kuldeep
Ex. R2	:	Copy of Registration Certificate of vehicle bearing No. HR-26BQ-1061
Ex. R3	:	Copy of Certificate-cum-Policy Sechdule
Ex. RA	:	Certificate-cum-Police Schedule
Ex. RX	:	Cashless authorization letter

19. No evidence in rebuttal has been led.

20. After appreciating the rival contentions raised by learned

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counsel for the parties and from the perusal of case file, it is amply clear that a case FIR no. 11 dated 07.01.2020, under Sections 279, 337 and 304-A of Indian Penal Code, Police Station Khol i.e. Ex. P5 has been registered in the present matter. Further, a perusal of charge sheet i.e. Ex. P43 and report under Section 173 of the Code of Criminal Procedure i.e. Ex. P49 would reveal that respondent no. 1, being the driver of offending vehicle is facing trial for the commission of the offence punishable under Sections 279, 337, 338 and 304-A of Indian Penal Code with the allegations of driving the vehicle in a rash and negligent manner. Neither any evidence has been led by the respondent no. 2 denying the allegations against the driver-respondent no.1 nor there is any other evidence on the file to suggest that respondent no.1 ever filed any protest petition before higher authorities against his alleged false implication or against alleged false involvement of the vehicle. In case titled as **Girdhari Lal Versus Radhey Sham 1994 (1) ACJ 168 and Gurdeep Kaur Versus Tarsem Singh 2008(2) RCR (Civil) 774**, it has been held by Hon'ble High Court that where the driver of the offending vehicle is tried on accusation of rash and negligent driving of offending vehicle, a prima facie conclusion can be drawn that the accident occurred due to rash and negligent driving.

21. Moreover, respondent no. 1 has not appeared in the witness box to state on oath that he has not caused the accident by his rash and negligent driving. There is also no evidence on his part to show that he has

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ever approached higher police authorities or Court regarding his false implication in the criminal case. Similarly, respondent no. 2 has also not stepped into witness box to state on oath that the motorcycle belonging to him and driven by respondent no.1 was not involved in the accident.

22. On the other hand, petitioner Ajay Kumar, in petition titled as '*Ajay versus Kuldeep and others.*', who himself is an injured in the accident has stepped in the witness box as PW3. While appearing as PW3, Ajay has categorically stated that the accident was caused due to rash and negligent driving of offending vehicle i.e. Scorpio Car bearing registration no. HR-26BQ-1061.

23. Furthermore, petitioners have also got examined Devender Kumar as PW2. While appearing as PW2, Devender Kumar has also categorically stated that the accident was caused due to rash and negligent driving of offending vehicle i.e. Scorpio Car bearing registration no. HR-26BQ-1061.

24. Moreover, the evidence led by petitioners has gone un rebutted and uncontroverted and adverse inference is liable to be drawn against the respondent no. 1. Reliance in this regard can be placed on law laid down in **Bhagwati Versus Krishan Kumar Saini, 1986 ACJ 331** and **Raju and others Versus Sukhwinder Singh and others 2006(4) RCR (Civil) 82.**

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25. Here, it is pertinent to mention that the learned counsel for respondent no. 3 has vehemently argued before this Tribunal that the present is a false and fabricated case, where the vehicle and the driver are planted in collusion with police. It has been argued by the learned counsel for respondent no. 3 that PW2 is not an eye-witness to the accident and he is a planted witness. In this regard, at the very outset it is worth mentioning that right from the very inception, it is the version of the petitioners that Bhal Singh and Ajay were going on a motorcycle and on seeing Devender near '*Subh Mangal Samaroh Sthal*', they stopped the motor cycle and when they were having conversation with Devender, accident was caused. So, in such circumstances, when right from the very inception name of Devender is there, in such circumstances, Devender does not seem to be a planted witness. Moreover, when injured Ajay has himself stepped in to the witness box as PW3 and has also given the same version of the accident. So, in such circumstances, PW2 Devender cannot be termed as a planted witness.

26. Further, it has been argued by the learned counsel for respondent no. 3 that there is delay of one day in registration of FIR. In this regard, it is worth mentioning that as per averments in the petition, accident took place on 06.01.2020 at 06:30 PM. However, a perusal of medico-legal examination report of Ajay i.e. Ex. P9 would reveal that he was admitted in hospital at 08:10 PM. Further, it is worth mentioning that the FIR has been registered on 07.01.2020 at 02:10 PM as is clear from a perusal of Ex. P5.

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So, as such, there is not a delay of one day in lodging of FIR, but only of few hours, which is self-explained in view of the fact a death was caused and, in such circumstances, the FIR cannot be said to be a result of afterthought.

27. Further, it has been argued by the learned counsel for respondent no. 3 that there are discrepancies in the testimony of PW3 Ajay and the same cannot be relied upon. In this regard, it is worth mentioning that the discrepancies pointed out by the learned counsel for respondent no. 3 that at one place PW3 Ajay, has stated that he was sitting on the burm of the road on the left side, whereas at another place he has stated that they were standing and at yet another place he has maintained that he was driving the motorcycle, are only minor discrepancies. It is pleaded case of the petitioners that it was Ajay who was driving motor cycle on the fateful day and on seeing Devender, he stopped the motor cycle and when he and Bhal Singh were having conversation with Devender, accident was caused. As such, at the time of accident, Ajay and Bhal Singh were standing or sitting does not make much of a difference so far as the factum of rash and negligent driving of Scorpio car bearing registration no. HR-26BQ-1061 by respondent no.1 is concerned. The discrepancies as pointed out by the learned counsel for the respondent no.3 are minor discrepancies here and there and cannot go to the root of the matter.

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28. Further, it has been argued by the learned counsel for respondent no. 3 that it is a case of contributory negligence as Ajay, who was allegedly driving the motor cycle, was not having a valid driving license. In this regard, it is worth mentioning that in the present matter accident has been caused when the motor cycle was stopped by the side of the road. So, in such circumstances, at the time of accident motor cycle was at stand still. Moreover, the absence of driving license does not automatically amount to contributory negligence. When a person drives a vehicle without a license, he commits an offence, which by itself cannot lead to a finding of negligence leading to the accident. In this regard this Court is guided by **Sudhir Kumar Rana versus Surinder Singh and others, AIR 2008 Supreme Court 2405 and Srikrishna Kanta Singh versus The Oriental Insurance Company Limited, Special Leave Petition (C) No. 12459 of 2019, decided by Hon'ble Supreme Court of India on 25.03.2025.**

29. In the light of above discussion, this Tribunal is of the view that accident in question took place due to rash and negligent driving of offending Scorpio Car bearing registration no. HR-26BQ-1061 by respondent no.1.

30. Accordingly, issue no. (i) is decided in favour of petitioners and against the respondents.

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ISSUE NO. (ii):

(In re : MACP 134/2020, titled as “Lilawati and others versus Kuldeep and others”.)

31. The onus to prove this issue was on the petitioners.

32. **Age of the deceased :-** In order to prove the age of deceased, petitioners have placed reliance upon document Ex. P3 i.e. certificate issued by Government Primary School, Jainabad, Dahina. According to same, the date of birth of Bhal Singh, since deceased was 11.05.1965. Further, in the claim petition itself, the age of deceased has been mentioned as 54 years. In such circumstances, this Tribunal is of the view that the age of deceased Bhal Singh was 54 years on the date of accident.

33. **Income of the deceased :-** It is the case of the petitioners that deceased Bhal Singh was earning Rs. 13,000/- per month from his work of cleaner/conductor and was earning Rs. 3,00,000/- per annum from agriculture.

34. It is worth mentioning that in order to prove the agricultural income of Bhal Singh, petitioners have brought forth ‘*jamabandi*’ for the year 2015-2016 as Ex. P54. However, a perusal of ‘*jamabandi*’ Ex. P54 would reveal that there is no mention of name of Bhal Singh in the ‘*jamabandi*’. Further, there is nothing on record to prove the agricultural income of Bhal Singh. So, in such, circumstances, merely on the basis of

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averments and oral testimony, it cannot be said to be proved on record that Bhal Singh was having an agricultural income of Rs. 3,00,000/- per month.

35. Further, in order to prove their claim that deceased Bhal Singh was earning Rs. 13,000/- per month from his work of cleaner/conductor, petitioners have got examined Vikas Yadav as PW5, who has stated Bhal Singh was working as conductor under his supervision and he was paying him salary of Rs. 13,000/- per month. In this regard, it is worth mentioning that in his cross-examination PW-5 Vikas Yadav has stated that he has not brought forth any documentary proof regarding the fact that Bhal Singh was working as conductor in his firm. So, in such circumstances, in the absence of any documentary proof as to employment and earnings, merely on the basis of oral testimony of PW5 Vikas Yadav, it cannot be said to be proved on record that Bhal Singh was working as conductor/cleaner and was earning Rs. 13,000/- per month.

36. In such circumstances, when the petitioners have not been able to prove the income of deceased on record before the Court, the minimum wages for 'unskilled labourer' in the State of Haryana as on 01.01.2020 (as accident took place on 06.01.2020) i.e. Rs. 9,319.12/- per month (round off Rs. 9,319/-), shall be taken to be the income of the deceased. Accordingly, the income of deceased is assessed to be Rs. 9,319/- per month or 9,319 X12 i.e. Rs. 1,11,828/- per annum.

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37. **Future Prospects:-** In its recent judgment **National Insurance Company Limited Versus Pranay Sethi 2018(1) Apex Court Judgments 183 (SC)**, Five Judges Bench of Hon'ble Supreme Court regarding self-employed or person on fixed salary 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.”

38. Thus, as the deceased was 54 years of age at the time of accident, so, he is entitled for an addition of 10% of the established income towards future prospect. Thus, after the said addition, the amount will come out to be Rs. 1,11,828/- +10% of Rs. 1,11,828/- i.e. Rs. 1,11,828/- + Rs. 11,182/- = 1,23,010/-.

39. **Annual dependency of petitioners:-** The present claim petition has been filed by widow, two major sons and one major daughter of deceased. It has been argued by the learned counsel for the petitioners that major daughter and sons are also entitled for compensation being legal heirs of the deceased. In this regard, learned counsel for the petitioners has placed reliance upon **Seema Rani and others versus The Oriental Insurance**

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Company Limited and others, Civil Appeal bearing no. 2323 of 2025, decided on 11.02.2025 by the Hon'ble Supreme Court of India, IFFCO Tokio General Insurance Company Limited versus Gurwinder and others, FAO -5069-2018, decided by Hon'ble Punjab and Haryana High Court on 27.01.2026 and Kuldeep @ Sonu and others versus Jagdeep and another, FAO- 4053 of 2019, decided by Hon'ble Punjab and Haryana High Court on 10.12.2025. In this regard, it is worth mentioning that petitioner No. 2 i.e. major son aged 34 years, petitioner no. 3, major son, aged 26 years and petitioner no. 4 i.e. major daughter, aged 32 years, can by no stretch of imagination be said to be dependents on deceased Bhal Singh, who was 54 years of age at the time of his death. In **Deep Sikha and another versus National Insurance Company Limited and others**, Special Leave petition (Civil) No. 22265-22266 of 2018, decided by Hon'ble Supreme Court of India on 13.05.2025, it has been held by Hon'ble Supreme Court of India that *"...once a daughter is married, logical presumption is that she now has rights on her matrimonial household and is also financially supported by her husband or his family, unless proven otherwise. It is more than likely that her dependence on her natal family, including her mother has now ceased. Section 166 and 168 of the Motor Vehicles Act, 1988 focus on the financial relationship between the deceased and the claimant. A married daughter may be considered a legal representative, as per Manjuri Bera, but she will not be eligible for loss of dependency compensation unless it is*

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proven by the daughter that she was financially dependent on the deceased...”. Further, it cannot be believed that sons aged 34 and 26 years and daughter aged 32 years were sitting idle at home. The sons aged 34 and 26 years and daughter aged 32 years cannot be said to be dependents on deceased Bhal Singh. In this regard this Court is guided by **Harpal Kaur and others versus Sita Ram and others**, FAO no. 4139 of 2011, decided by Hon’ble Punjab and Haryana High Court on March 10 2017, **Narender Nayyar versus Sheodan Singh and others**, FAO-1392-1999, decided by Hon’ble Punjab and Haryana High Court on May 1, 2014, **Sajna Devi and other versus Vijender Kumar and others**, FAO No. 3830 of 2014, decided by Hon’ble Punjab and Haryana High Court on March 15, 2017 and **New India Assurance Company Limited versus Vinish Jain and others**, (2018) 3 SCC 619. Meaning thereby, there was only one dependent on the deceased and in such circumstances, a deduction of 1/2 shall be made towards personal expenses of the deceased i.e. **Rs. 1,23,010/2=Rs. 61,505/-**. Thus, after the said deduction, the dependency of the petitioners comes to **Rs. 1,23,010 -Rs. 61,505/=Rs. 61,505/-**. The case of the petitioners does not find support from **Seema Rani and others versus The Oriental Insurance Company Limited and others** (Supra), **IFFCO Tokio General Insurance Company Limited versus Gurwinder and others**, (Supra) and **Kuldeep @ Sonu and others versus Jagdeep and another**, (Supra).

40. Total loss of dependency after applying the relevant

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multiplier:- In Sarla Verma's case (supra), regarding what multiplier is to be applied, it was held as under:-

“We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, **M-11 for 51 to 55 years**, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.”

So, it has been held by Hon'ble Supreme Court in **Sarla Verma's case(supra)** that multiplier of 11 is to be applied for the persons age between 51 to 55 years.

41. As the deceased was aged about 54 years, multiplier of 11 is to be applied. Therefore the total loss of dependency comes to (Rs. 61,505x 11) =Rs. 6,76,555/-.

42. Learned Counsel for the petitioners has argued that more than Rs. 50,000/- have been spent on last rites and therefore, the petitioners are entitled to that amount also. In this regard, it is worth mentioning that although an amount of Rs. 50,000/- has been claimed by petitioners on account of funeral expenses but there is no evidence in this regard. So, as

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such, it cannot be said to be proved on record that an amount of Rs. 50,000/- was spent on last rites of deceased.

43. **Compensation under conventional heads:-** Our Hon'ble High Court in FAO No. 7592 of 2015 decided on 26.04.2022 observed as under:-

“Hon'ble Supreme Court of India in **National Insurance Company Limited Versus Pranay Sethi and Ors (supra)** has quantified the amount in the sum of Rs. 15,000/- each for loss of estate and funeral expenses in addition to Rs. 40,000/- for loss of consortium. Still further, it has also been held that the aforesaid amount would be further subject to 10% enhancement after every three years. Therefore, the petitioners would be entitled to 10% enhancement with respect to the compensation under conventional heads as was also held by Hon'ble Supreme Court of India in **Rasmita Biswal and others versus Divisional Manager, National Insurance Company Limited and another 2022(1) RCR (Civil) 344**. Hence, the amount of compensation under the conventional heads stands modified to Rs. 18,150/- each for loss of estate and funeral expenses and Rs. 48,400/- for loss of consortium”.

44. In **FAO No. 1280 of 2022 (O&M)** Hon'ble Punjab and Haryana High Court while relying upon the judgment of Hon'ble Apex Court in **Shriram General Insurance Company Limited Versus Bhagat Singh Rawat and others** clarified that the total compensation of Rs. 40,000/- is to be awarded to all the claimants under the head of loss of filial consortium. Thus, the petitioners are awarded a sum of Rs. 18,150/- on

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account of funeral expenses; another sum of Rs. 18,150/- is awarded to petitioners on account of loss of estate and another sum of Rs. 48,400/- is awarded to the petitioners towards loss of consortium.

Sr. No.	Head under which amount awarded	Amount
1.	Loss of dependency	Rs. 6,76,555/-
2.	Compensation on account of loss of consortium	Rs. 48,400/-
3.	Funeral Expenses	Rs. 18,150/-
4.	Compensation on account of loss of estate	Rs. 18,150
	Total	Rs. 7,61,255/-

In this way, the total compensation works out to Rs. 7,61,255/-.

(Rs. Seven Lakh Sixty One Thousand Two Hundred Fifty Five Only)

(In re : MACP 271/2020, titled as “Ajay versus Kuldeep and others”)

45. The onus to prove this issue was upon the petitioner.
46. Now having held the rash and negligent driving of respondent No.1 in the matter, the core question, which has cropped up before this Tribunal is as to what should be the quantum of compensation to be paid to petitioner Ajay?
47. In this regard, it is worth mentioning that Hon'ble Supreme Court in **Arvind Kumar Mishra Versus New India Assurance Co. Ltd. (2010) 10 SCC 254** and **Raj Kumar Versus Ajay Kumar (2011) 1 SCC 343**

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has laid down the principles for determination of compensation in injury cases. These cases were referred to by the Hon'ble Supreme Court in its subsequent judgment **G Ravindranath Versus E Srinivas 2013 (12) SCC 455** and **Sidram Versus Divisional Manager United India Insurance Company, Civil Appeal No. 8510 of 2022**, The Hon'ble Supreme Court held as under:

“It is settled law that compensation in personal injury cases should be determined under the following heads:

(Pecuniary damages (Special damages))

- (i) Expenses-relating to treatment, hospitalization, medicines, transportation, nourishing food and miscellaneous expenditure.*
- (ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising: (a) Loss of earning during the period of treatment; (b) Loss of future earnings on account of permanent disability.*
- (iii) Future medical expenses.*

(Non-pecuniary damages (General damages))

- (iv) Damages for pain, suffering and trauma as a consequence of the injuries.*
- (v) Loss of amenities (and/or loss of prospects of marriage).*
- (vi) Loss of expectation of life (shortening of normal longevity).*

In routine personal injury cases, compensation will be awarded only under heads (i), (ii) (a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the petitioners, that compensation will be granted under any of the heads (ii)(b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life."

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48. In the present case, a perusal of Disability Certificate Ex. P34 would reveal that the petitioner Ajay Kumar has suffered 30% disability in his left eye, which as per the testimony of PW 6 Dr. Kanchan Yadav, Senior Medical Officer, Civil Hospital, Rewari is Permanent in nature and there is no possibility of improvement. Further, a perusal of Discharge summary Ex. P6, P7 and Ex. P8 would reveal that Ajay Kumar was having injuries on face and head and there was blunt trauma on chest. So, as such, petitioner has suffered 30% permanent disability of left eye, which has no chances of improvement.

Pecuniary damages:-

49. **Treatment, hospitalization, medicines, transportation, nourishing food and miscellaneous expenditure:** The petitioner has produced bill Ex. P11 to Ex P29, Ex. P35, Ex. P36, Ex. P39 and Ex. P41 amounting to Rs. 75,702/-. Further, petitioner has also brought forth bill Ex. P10 amounting to Rs. 2,10,550/-. However, an amount of Rs. 1,89,550/- has been paid through medi-assist qua this bill as is clear from testimony of PW4 Chotte Lal, Record Keeper, Pushpanjali Hospital, Rewari and only an amount of Rs. 21,000/- was paid by the petitioner. So, as such, qua bill Ex. P10 only an amount of Rs. 21,000/- is to be paid to the petitioner. Therefore, the total amount of medical expenses comes to Rs.75,702 + Rs. 21,000 = Rs. 96,702/-.

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50. There is nothing to doubt about veracity/authenticity of bills produced by the petitioner. Moreso, when bills Ex. P10 to Ex. P29 have been proved on record by PW4 Chotte Lal. Therefore, in my view, petitioner is entitled to **Rs. 96,702/-** under this head.

51. Further, in the facts of the case, considering the nature of injuries suffered by the petitioner, period of hospitalization, treatment undergone by him, this Court is inclined to grant a sum of Rs. 25,000/- towards transportation, Rs. 25,000/- towards nourishing diet and Rs. 20,000/- towards miscellaneous expenses i.e. **Rs.70,000/-** under these heads.

52. **Income of the petitioner:** - In the present petition it is claim of the petitioner that he is 28 years of age and is working as Assistant Relationship Manager and is earning Rs.2,80,000/- per annum as salary and Rs. 20,000/- per month as incentive. In this regard, it is worth mentioning that petitioner has brought forth Ex. P52 and a perusal of the same would reveal that total fixed salary of petitioner was Rs. 2,80,000/- per annum i.e. Rs.23,334/- per month and he was eligible to participate in various sales incentive plans as applicable in a given financial year by the company in its sole discretion and in keeping with its policies. So, in such circumstances, although it is proved on record that petitioner was entitled for a salary of Rs. 2,80,000/- per annum but it is not proved on record that he was entitled

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for incentive of Rs. 20,000/- per month on fixed basis as the incentive was based on the participation of the petitioner in various sales incentive plans. No one has been got examined by the petitioner from PNB Metlife i.e. employer of the petitioner to prove on record that what amount of incentive petitioner was earning per month. Further, although petitioner has placed on record Ex. P53 i.e. his account statement and has put markers on certain amount alleging the same to be salary credit. In this regard, it is worth mentioning that there is nothing on record to show that the amount pointed out by markers is the salary credit of petitioner. So, in such circumstances, it will be in the interest of justice if the total earnings of the petitioner including fixed salary and incentives is taken to be Rs. 28,000/- per month. So, the income of the petitioner is taken to be Rs. 28,000/- per month i.e. $\text{Rs. } 28,000/- \times 12 = \text{Rs. } 3,36,000/-$ per annum.

53. As regards, **loss of income during treatment**, considering the nature of injuries suffered by petitioner and the period of hospitalization this Court deem it appropriate to compensate petitioner for a period of 6 months. There is nothing on record to show that petitioner was working during this period or was getting salary during this period. Thus, petitioner suffered loss of income during treatment to the tune of $\text{Rs. } 28,000/- \times 6 = \text{Rs. } 1,68,000/-$.

54. As regards **loss of future income**, petitioner Ajay Kumar, while

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appearing as PW3 has deposed that after the accident he is unable to perform his work. Dr. Kanchan Yadav, senior Medical Officer, Civil Hospital, Rewari while appearing as PW6 has stated that petitioner has suffered permanent visual disability of 30% pertaining to his left eye and there is no possibility of improvement. She has proved on record the disability certificate of petitioner as Ex P34. Learned counsel for the respondent no.3 contended that the disability mentioned in the disability certificate is not with regard to the functional disability of the petitioner. In this regard, it is worth mentioning that as petitioner was working as Assistant Relationship Manager with PNB Met life India Insurance Company Limited, therefore, loss of vision in one eye will definitely affect his job.

55. This Court is of the view disability incurred by the claimant would definitely result into loss of earning capacity of the claimant. In **Dhyan Chand Singla and another versus Joga Singh and others 2012 ACJ 2017**, where despite having permanent disability the claimant continued to be in service, our Hon'ble High Court held that it is not consolation for a person that he is being retained in the same job because the issue of loss of earning capacity must be understood in the context of what a person with his disability would lose if he was to compete in open market.

56. Considering the disability sustained by the petitioner, this

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Court deem it appropriate to take his loss of earning capacity to the extent of 10%.

57. In view of judgment of Hon'ble Supreme Court in **Pappu Deo Yadav versus Naresh Kumar and others Civil Appeal No.2567 of 2020 decided on 17.09.2020**, wherein reliance was also placed upon earlier judgments in **Jagdish versus Mohan and others 2018(4) SCC 571**, **Parminder Singh versus New India Assurance Company Limited 2019(7) SCC 217** and **Kajal versus Jagdish Chand (2020) 4 SCC 413**, future prospects are liable to be added to the income of the petitioner even in an injury case. From Ex. P51, it is clear that the date of birth of petitioner is 12.01.1992. Meaning thereby, on the date of accident i.e. 06.01.2020, petitioner was between 26 to 30 years of age. Therefore, an addition of 40% is to be made in view of judgment of Hon'ble Supreme Court in **National Insurance Company Limited Versus Pranay Sethi 2018(1) Apex Court Judgments 183 (SC)**.

58. The income of the petitioner is assessed Rs. 3,36,000/- per annum. After the addition of 40%, the income of the claimant comes out to Rs. 3,36,000 + Rs. 1,34,400/- = Rs. 4,70,400/- per annum. In this way, the Annual loss of income would come to 10% of Rs. 4,70,400/- i.e. Rs. 47,040/- per annum. In view of **Sarla Verma Versus Delhi Transport Corporation and others 2009 (3) RCR (Criminal) 77 (SC)** multiplier of 17

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is applicable. After applying the said multiplier the **total loss of future income works out to be Rs. 47,040/-X17=Rs. 7,99,680/-.**

(Non-pecuniary damages (General damages))

59. **Damages for pain, suffering and trauma-** In the facts of the present case, considering the nature of injuries suffered by the petitioner and period of hospitalization, this Court is inclined to award a sum of **Rs. 20,000/-** to the petitioner on account of pain and suffering.

60. **Loss of amenities-** - In the facts of the case considering the nature of disability, this Court is inclined to award sum of **Rs. 20,000/-** on account of loss of amenities.

61. **Loss of expectation of life:-** There is nothing on record to show that injuries sustained by the petitioner will in any manner affect the expectancy of life and in such circumstances, no compensation is warranted under this head.

62. In this way, the petitioner is entitled to compensation in the following manner:-

Expenses relating to treatment, hospitalization, medicines, Transportation, nourishing food and misc. expenditure	Rs. 96,702/-. + Rs. 70,000/-.
Loss of income during treatment	Rs. 1,68,000/-.

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Loss of future income	Rs. 7,99,680/-.
Damages for pain, suffering and trauma	Rs. 20,000/-
Loss of amenities	Rs. 20,000/-
Loss of expectation of life	Nil
TOTAL	Rs. 11,74,382/-

In this way, the total compensation works out to **Rs. 11,74,382/-**(Rs. Eleven Lakhs Seventy Four Thousand Three Hundred Eighty Two Only).

Issue no. (ii) is decided accordingly.

ISSUE NO. (iii) & (iv) : (Liability)

63. Now coming to the question of the liability and maintainability. The onus to prove both these issues was upon the respondent no.3. Respondent no.3 has alleged that the respondents no.1 and 2 have violated the terms and conditions of the Insurance policy. However, respondent no.3 has failed to establish any such fact on record of the Court file. Learned counsel for the respondent no.3 has argued that respondents no.1 and 2 have violated the terms and conditions of the insurance policy as respondent no. 1 was not having valid driving license on the date of alleged accident and further, respondent no. 2 has no valid registration certificate, insurance etc. of the offending vehicle in question. In this regard, this Court

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is of the view that the argument raised by learned counsel for the respondent no.3 is highly misconceived since copy of driving license of the respondent no.1 has been placed on record by the respondents no. 1 and 2 as Ex. R1. A perusal of the same reveals that respondent no.1 was licensed to drive 'MC with gear, LMV-NT- car only'. On the date of alleged occurrence, he was driving a Scorpio Car. This Court is therefore of the view that there was no violation of any terms and conditions of the insurance policy as alleged by the respondent no.3. It is an admitted fact that offending vehicle was insured with the respondent no.3. It is also not in dispute that the vehicle was carrying a comprehensive package policy. As such it is held that all the respondents being driver, owner and insurer of the offending vehicle are liable to pay the compensation jointly and severally to the petitioners.

Issues no. (iii) and (iv) are accordingly decided in favour of petitioners and against respondents.

ISSUE NO. (v) (RELIEF):

64. As a sequel to my above discussion, both the present claim petitions are **partly allowed with costs**. The claimants are awarded compensation as follows:-

- (1) **MACP 134/2020, titled as "Lilawati and others versus Kuldeep and others"- Rs. 7,61,255/-(Rs. Seven Lakh Sixty**

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One Thousand Two Hundred Fifty Five Only)

Petitioner no. 2, 3 and 4 being major daughter and sons were not dependent on deceased Bhal Singh, as is clear from discussion made above and therefore they are not entitled for any compensation in the present matter. Petitioner no. 1, Lilawati is awarded the above-said amount as compensation on account of death of Bhal Singh son of Mam Chand along-with 7% per annum interest from the date of filing of the claim petition till realization.

**(2) MACP 271/2020, titled as “Ajay versus Kuldeep and others”-
Rs. 11,74,382/-(Rs. Eleven Lakhs Seventy Four Thousand
Three Hundred Eighty Two Only).**

The petitioner is awarded above-said amount as compensation on account of injuries sustained by him in the accident along-with 7% per annum interest from the date of filing of the claim petition till realization.

65. Since, claimants i.e. petitioner no. 1 Lilawati and petitioner Ajay Kumar are major, it is directed that the compensation amount payable to them along with proportionate interest shall be paid to them immediately. In order to facilitate the easy release of the amount to petitioner no. 1 Lilawati and petitioner Ajay Kumar, it is ordered that respondent no. 3-Insurance Company will deposit the amount directly in the names of petitioner no. 1 Lilawati and Petitioner Ajay Kumar, either by

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way of account payee cheques or demand drafts in the Tribunal. The claimants will submit the details of their bank accounts directly to the insurance company under intimation to this Tribunal and the cheques/drafts shall be released to the claimants on an application for release of cheques/drafts along with payment order in the name of concerned Manager with directions to disburse the amount as per Award.

66. Memo of costs be prepared accordingly in both the petitions. Counsel's fee is assessed as ₹3300/- in each petition. Attested copy of the Award be also kept in petition titled as '*Ajay Kumar Versus Kuldeep and others*'. Files be consigned to the record room after due compliance.

Announced in Open Court.
01.07.2026

Manoj

Ankita Sharma
Presiding Officer
Motor Accidents Claims Tribunal,
Rewari

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

Ankita Sharma
Presiding Officer
Motor Accidents Claims Tribunal,
Rewari. (UID No.HR-0275)

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Ankita Sharma
 MACT, RWR 01.07.2026
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