IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4643 of 2023 (O&M)
Decided on 24.03.2026

Raj Kumari Devi and others

...Appellants

VS

Ranjeet Kumar Sharma and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Kanwar Abhay Singh, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.3-Insurance Company.

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VIKRAM AGGARWAL, J

The instant appeal has been preferred by the appellants-claimants seeking enhancement of compensation awarded vide Award dated 05.04.2023, passed by the Motor Accident Claims Tribunal, Gurugram (for short the 'MACT').

2. The facts, as emanating from the paper book, are that the appellants-claimants instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short the 'MV Act') seeking compensation of Rs.80 lakhs on account of the death of one Sukamar Mukhiya in a motor vehicular accident, which took place on 06.02.2022.

3. It was claimed that on 06.02.2022 between 8.00 to 8.30 P.M., Sukamar Mukhiya (hereinafter referred to as the 'deceased') along with his brother (Parmod Mukhiya) had gone to Nathupur Market. While the deceased was sitting in his Auto-rickshaw and waiting for his brother, a Toyota Carolla Altis bearing Registration No.HR 26 BE 2553 (hereinafter

referred to as the “offending vehicle”), being driven by respondent No.1 (Ranjeet Kumar Sharma) in a rash and negligent manner, came from the front side and struck against the Auto-rickshaw. As a result of the accident, the deceased sustained multiple grievous injuries and fell on the road. The driver of the offending vehicle fled from the spot. The deceased was initially taken to Narayana Hospital, Gurugram and was, thereafter, referred to Safdarjang Hospital, New Delhi, where he succumbed to his injuries on 07.02.2022. On the statement of Parmod Mukhiya, FIR No.34 dated 07.02.2022 under Sections 279 and 304-A IPC was registered at Police Station DLF Phase-III, Gurugram.

4. It was further pleaded that the deceased was 37 years of age and was self employed, earning Rs.30,000/- per month by running an Auto-rickshaw and was the sole bread winner of the family. Accordingly, compensation to the tune of Rs.80,00,000/- was claimed.

5. Upon notice respondent No.1, filed his written statement stating that the alleged accident had not taken place due to his rash and negligent driving, rather the alleged accident had occurred due to the own negligence of the deceased, who was stated to be driving his Auto-rickshaw at a high speed, in a rash and negligent manner and on the wrong side of the road. It was further pleaded that he was holding a valid and effective driving licence at the time of the accident and the offending vehicle was duly insured with respondent No.3.

6. Respondent No.2 also filed a separate written statement denying the factum of the accident and reiterated that the accident had occurred due to the negligence of the deceased himself.

7. Respondent No.3-Insurance Company also filed a separate written statement raising its usual defences. The factum of the accident, income of the deceased and the amount claimed under various heads were specifically denied, being exaggerated and inflated. It was also alleged that the offending vehicle was being driven in violation of the terms and conditions of the Insurance Policy.

8. From the pleadings of the parties, following issues were framed:

> ***1) Whether due to rash & negligent driving of the vehicle bearing registration No. HR-26BE-2553 by the respondent No.1, an accident had taken place near Nathupur Tempo Stand Gurugram on 06.02.2022 at about 8/8.30 P.M.? OPP***
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> ***2) Whether in the above mentioned accident injuries were suffered by Sukamar Mukhiya and he passed away due to such injuries. If yes whether the petitioners are entitled to any compensation. If so, the quantum thereof? OPP***
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> ***3) Whether there has been violation of the terms and conditions of insurance policy, if so its effect? OPR-3***
>
> ***4) Relief:***

9. Parties led their respective evidence.

10. On issue No.1, it was held by the MACT that the accident had been caused on account of the rash and negligent driving of the offending vehicle by respondent No.1.

11. On issue No.2 i.e. quantum of compensation, the MACT awarded the following compensation:-

Sr. No.	Heads	Amount in Rupees
1.	Income assessed	Rs. 10,755/- pm 10,755 X 12 = Rs.1,29,060/- pa
2.	Future prospects	40% Rs.1,29060+40% = 1,80,684/-

3.	Deduction	¼ Rs.1,80,684- 45,171 = 1,35,513/-
4.	Multiplier	15 Rs.1,35,513 X 15= 20,32,695/-
5.	Loss of Consortium	Rs. 44,000 X 5 = 2,20,000/-
6.	Loss of estate	Rs. 16,500/-
7.	Funeral expenses	Rs.16,500/-
	Total	Rs. 22,86,000/-

12. Seeking enhancement in the said compensation, the present appeal has been preferred.

13. I have heard learned counsel for the parties.

14. The sole contention raised by learned counsel for the appellants is that the deceased-Sukamar Mukhiya was 36 years old as held by the MACT, and was the owner of an Auto-rickshaw which was proved by producing the registration certificate (Ex.P-15) of Auto-rickshaw bearing registration No.HR-55-R-2063. Learned counsel submits that it had been claimed before the MACT that the monthly income of deceased was Rs.30,000/- per month but in the absence of any proof as regards the same, the MACT fixed the monthly income at Rs.10,755/- per month which, as per the MACT was the prevailing rate of wages for a skilled driver of a light commercial vehicle w.e.f., 01.01.2022. Learned counsel submits that even this figure was wrongly taken by the MACT since, as per the notification dated 14.10.2022, the minimum wages for the driver of a light vehicle was Rs.12275.21/- as on 01.01.2022. Learned counsel submits that even the minimum wages were not required to be considered once it had been proved

on record that the deceased was the owner of an Auto-rickshaw and under the circumstances, the compensation awarded needs to be reassessed.

15. *Per contra*, learned counsel representing respondent No.3-Insurance Company submits that though the minimum wages were wrongly assessed and that the same were Rs.12275.21/- per month as on 01.01.2022, there would be no occasion to assess the income of the deceased above the said figure as there was no proof as regards his income. Learned counsel, therefore, submits that at best, the income can be taken to be Rs. 12275.21/- per month.

16. I have considered the submissions made by learned counsel for the parties.

17. Concededly, the deceased-Sukamar Mukhiya was the owner of an Auto-rickshaw which was proved by producing on record the registration certification of the said Auto-rickshaw is Ex.P-15. The driving license of the deceased was produced on record as Ex.P-14 as per which, he was authorized to driver a light motor vehicle. It is well-known that to assess the income of a person, certain amount of guesswork is involved. It has to be borne in mind that the deceased was working in the unorganized sector, as he was owning an Auto-rickshaw and was plying the same. The fact that cannot be lost sight of is that the deceased was self-employed. Under the circumstances, in the considered opinion of this Court, his income cannot be equated to the minimum wages of a driver of a light motor vehicle and his income should be assessed independently. In the absence of any proof as regards his income being Rs.30,000/- per month, this Court, cannot accede to the said claim. However, even an Auto-rickshaw driver and owner would not be earning less than Rs.15,000/- per month at the relevant time.

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Accordingly, this Court holds the monthly income of the deceased as Rs.15,000/- per month.

18. Having considered the submissions made by learned counsel for the parties, the compensation awarded by the MACT is enhanced as under:-

Sr. No.	Heads	MACT	Enhanced by this Court
1.	Income assessed	Rs. 10,755/- pm 10,755 X 12 = Rs.1,29,060/- PA	Rs.15,000/- pm 15000 x 12= Rs.1,80,000/-
2.	Future prospects	40% Rs.1,29060+40% = 1,80,684/-	1,80,000+ 40%= Rs.2,52,000/-
3.	Deduction	¼ Rs.1,80,684- 45,171 = 1,35,513/-	2,52,000- 25% = Rs.1,89,000/-
4.	Multiplier	15 1,35,513 X 15= 20,32,695/-	1,89,000 X 15 = Rs.28,35,000/-
5.	Loss of Consortium	Rs. 44,000 X 5 = 2,20,000/-	No change
6.	Loss of estate	Rs. 16,500/-	No change
7.	Funeral expenses	Rs.16,500/-	No change
	Total	Rs. 22,86,000/-	Rs.30,88,000/-

19. The total compensation, therefore, comes to Rs.30,88,000 /-. After deducting a sum of Rs.22,86,000/-as assessed by the MACT, the balance compensation comes to Rs.8,02,000/-. This amount would be payable in addition to the amount assessed by the learned MACT along with interest @ 7.5% annually. The disbursal and liability to pay the same would be as per the award.

20. The instant appeal is accordingly disposed of.

Pending application(s), if any, also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

March 24, 2026.
Rekha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No