



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

(104)

FAO No.1811 of 2005(O&amp;M)

Reserved on: 23.04.2026

Pronounced on: 29.04.2026

Uploaded on: 29.04.2026

Paramjit Singh @ Pammi

... Appellant

Versus

Jaspal Singh And Others

... Respondents

**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Pritam Singh Saini, Advocate,  
Mr. Deepak Singh Saini, Advocate  
for the Appellant.

Mr. Sanjeev Patiyal, Advocate  
for Respondents.

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**VIRINDER AGGARWAL,J.**

1. The present appeal has been preferred by the appellant-owner challenging the award dated 23.02.2005 passed by the learned Motor Accident Claims Tribunal, Panchkula, whereby compensation of ₹2,70,800/- along with interest has been awarded in favour of the claimant(s) on account of death of Darshan Singh in a motor vehicular accident.

**BACKGROUND FACTS**

2. The brief facts of the case are that on the night of 21.12.2003 at about 11:00 PM, Darshan Singh @ Bholu was driving a Mini Truck (Tata 407) bearing registration No. HP-49-0608 from Pinjore towards Nalagarh when, due to heavy fog and poor visibility, the vehicle struck against a bridge near village Gridan and Mini truck fell down, resulting in his death. The claimant, being younger brother of the deceased, filed a claim petition under Section 163A of the Motor Vehicles Act, 1988. The appellant-owner contested the claim by denying that the deceased



was employed as a driver or was receiving any salary from him, and pleaded that the vehicle had been taken without his permission. It was further contended that the claimant, being the brother of the deceased, was not dependent upon him, as he was married, earning independently and possessed agricultural land. However, the appellant admitted ownership of the vehicle and that it was not insured at the relevant time.

3. The learned Tribunal, upon appreciation of the oral as well as documentary evidence on record, returned a categorical finding that the accident in question occurred on 21.12.2003 due to involvement of Mini Truck bearing registration No. HP-49-10608, resulting in the death of Darshan Singh. The Tribunal placed reliance upon DDR no.3 dated 21.12.2003 (Ex.P4) and postmortem report dated 21.12.2003 (Ex.P5), which duly established that the deceased died on account of injuries sustained in the said accident. The plea of the appellant that the deceased was not employed by him or had taken the vehicle without permission was not accepted, particularly in view of the contemporaneous record showing the deceased to be driving the vehicle at the relevant time. The learned Tribunal further held that the claimants, being brother and sisters of the deceased, were his legal heirs and thus entitled to compensation. In the absence of cogent proof regarding income, the notional income of the deceased was assessed at ₹1,400/- per month after 1/3 deduction, and after applying the multiplier of 16, the total compensation was computed at ₹2,70,800/- including funeral expenses. Since the offending vehicle was admittedly uninsured, the liability to pay the compensation along with interest was fastened upon the appellant-owner.

### **CONTENTIONS**

4. Learned counsel for the appellant contends that the impugned award is illegal and contrary to the evidence on record. It is primarily argued that the



claimant, being a married brother of the deceased, having independent source of income and agricultural land, cannot be treated as a dependent and, therefore, is not entitled to compensation. In support of this contention, reliance has been placed upon the judgment in *New India Assurance Company Ltd. vs. Anand Pal, 2003 (2) PLR 380*. It is further contended that the deceased was not employed as a driver with the appellant and had taken the vehicle without permission and, therefore, no liability can be fastened upon the appellant. Learned Counsel also submits that there is no reliable evidence regarding employment or income of the deceased and, therefore, the compensation awarded is unjustified and liable to be set aside.

5. Per contra, learned counsel for the respondents supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

#### **OBSERVATIONS AND FINDINGS**

6. I have heard the learned counsel for the parties and perused the record.

7. At the outset, this Court finds no merit in the challenge laid by the appellant to the findings of the learned Tribunal on the aspects of occurrence of the accident, involvement of the offending vehicle, quantum of compensation and fastening of liability. The learned Tribunal has recorded well-reasoned and evidence-based findings after due appreciation of the material available on record. The occurrence of the accident stands duly established from DDR No. 3 dated 21.12.2003 (Ex.P4) and the postmortem report (Ex.P5), which conclusively prove that the deceased died due to injuries sustained in the accident involving the vehicle in question. The plea of the appellant that the deceased had taken the vehicle without permission remains a bald assertion, unsupported by any cogent or convincing evidence. The



appellant, being the owner, has failed to discharge the burden to substantiate such plea. Further, the assessment of income on notional basis by the Tribunal, in absence of documentary evidence, is in consonance with settled principles governing claims under the Motor Vehicles Act. It is also an admitted position that the offending vehicle was uninsured at the relevant time and, therefore, the liability has rightly been fastened upon the appellant-owner. This Court, thus, finds no perversity, illegality or infirmity in the findings recorded by the Tribunal on these aspects warranting interference in appellate jurisdiction.

8. Despite it, the main contention of the appellant that the claimant was not dependent upon the deceased and was earning on his own, therefore, not entitled to compensation, also deserves to be rejected. It is well settled that in a claim arising out of death in a motor vehicular accident, the legal representatives of the deceased are entitled to maintain the claim petition. The term “legal representative” has a wider connotation and cannot be confined only to those who were financially dependent upon the deceased. Recently in *Sadhana Tomar vs. National Insurance Company Ltd., 2019 (2) SCC 763*, the Hon’ble Supreme Court held that the status of a legal representative is not lost merely because the claimant is married or independently earning, and such claimants are entitled to compensation being legal heirs of the deceased. Similarly, in *Manjuri Bera vs. Oriental Insurance Company Ltd., 2007 (10) SCC 643*, the Hon’ble Supreme Court categorically held that even a legal representative who is not dependent on the deceased is entitled to maintain a claim petition and cannot be denied compensation on that ground. It was further observed that the liability to pay compensation does not cease merely because there is no dependency.

9. Further, in the judgment of *Gujarat State Road Transport Corporation vs. Ramanbhai Prabhatbhai, 1987 (3) SCC 234*, the Hon’ble Supreme Court



authoritatively held that the term “legal representative” under the Motor Vehicles Act must be given a liberal and wider interpretation so as to include all persons who suffer on account of the death of a person in a motor vehicle accident and need not necessarily be a wife, husband, parent or child. The Court emphasized that the Act being a beneficial legislation, a narrow interpretation excluding certain legal heirs on technical grounds would defeat the very object of providing just compensation. The Apex Court in *N. Jayasree v. Cholamandalam MS General Insurance Company Ltd. 2022 (14) SCC 712*, has observed as under :

*"16. In our view, the term "legal representative" should be given a wider interpretation for the purpose of Chapter XII of the MV Act and it should not be confined only to mean the spouse, parents and children of the deceased. As noticed above, the MV Act is a benevolent legislation enacted for the object of providing monetary relief to the victims or their families. Therefore, the MV Act calls for a liberal and wider interpretation to serve the real purpose underlying the enactment and fulfil its legislative intent. We are also of the view that in order to maintain a claim petition, it is sufficient for the claimant to establish his loss of dependency. Section 166 of the MV Act makes it clear that every legal representative who suffers on account of the death of a person in a motor vehicle accident should have a remedy for realisation of compensation."*

10. In the present case, it is not in dispute that the deceased died unmarried and issueless, and his parents had predeceased him. Consequently, the claimant along with the proforma respondents, being the brother and sisters of the deceased,



constitute the only surviving legal heirs and fall within the category of Class-II heirs under the scheme of succession. In the absence of any Class-I heir, they, therefore, derive their locus not merely as legal representatives in a general sense, but are the sole surviving heirs of the deceased. In such circumstances, the question of exclusion on the ground of lack of dependency or separate earning pales into insignificance, particularly when there exists no competing or preferential heir on record. Merely because the claimant is married or earning independently would not disentitle him from claiming compensation under this beneficial legislation.

11. The reliance placed by the learned counsel for the appellant on the judgment in *New India Assurance Company Ltd. vs. Anand Pal, 2003 (2) PLR 380*, is misplaced and clearly distinguishable on facts. In the said judgment, the Court was dealing with a situation where other preferential legal heirs of the deceased were very much available on record, and the claimants therein were not accorded precedence, inter alia, on the ground that the deceased was residing separately and had an independent establishment, thereby diluting the claim of dependency and proximity. In contradistinction, in the present case, the deceased was unmarried, his parents had already predeceased him, and he left behind only his brother and sisters, who step into his shoes as the sole surviving Class-II legal heirs in the absence of any Class-I heirs. Thus, the foundational factual matrix in the case relied upon by the appellant is materially different, as there is neither the presence of any superior or preferential heir nor any evidence of estrangement or exclusion within the family structure. In absence of any cogent evidence to the contrary, a bald assertion regarding lack of dependency cannot be accepted. Even otherwise, once the claimants are established as the only surviving legal representatives, the right to claim compensation cannot be defeated by importing



considerations which arose in an entirely different factual context. Thus, the judgment relied upon by the appellant does not advance his case and is clearly inapplicable to the facts of the present case.

12. Moreover, the statutory scheme under Section 163A of the Motor Vehicles Act does not restrict the right to claim compensation only to dependents, but extends the same to all legal representatives of the deceased. Therefore, the principal contention raised by the appellant regarding absence of dependency stands rejected in light of the authoritative pronouncements of the Hon'ble Supreme Court, wherein it has been consistently held that the right to maintain a claim petition under the Motor Vehicles Act is not confined to dependents alone but extends to all legal representatives of the deceased. Dependency, at best, is a relevant factor for quantification of compensation and not for determining entitlement to claim.

13. In view of the foregoing discussion and the settled legal position, this Court is of the considered opinion that the impugned award dated 23.02.2005 passed by the learned Motor Accident Claims Tribunal, Panchkula does not suffer from any illegality, perversity or material irregularity warranting interference in exercise of appellate jurisdiction. The findings recorded by the learned Tribunal on all material aspects are well reasoned and based on proper appreciation of evidence on record.

14. Consequently, the present appeal being devoid of merit is hereby **dismissed**. The award dated 23.02.2005 passed by the learned Motor Accident Claims Tribunal, Panchkula is affirmed. The appellant-owner shall remain liable to satisfy the award along with accrued interest, if not already paid, within a period of eight weeks from the date of receipt of certified copy of this judgment. In case of default, the amount shall carry interest at the rate as awarded by the Tribunal till



its realization.

15. Since the main appeal has been decided, pending application(s), if any, shall also stand disposed of.

**29.04.2026**  
*Saurav Pathania*

**(VIRINDER AGGARWAL)**  
**JUDGE**

*Whether reasoned / speaking? Yes / No*  
*Whether reportable? Yes / No*