



FAO-1490-2025(O&M)

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

**FAO-1490-2025(O&M)
Date of Order:-16.07.2025**

United India Insurance Company Ltd.

...Appellant

Versus

Sunita and anr.

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Maninder Arora, Advocate and
Mr. Harmeet Singh, Advocate
for the appellant.

Mr. Parveen Kumar, Advocate
for the respondents – caveators.

SUVIR SEHGAL, J.(ORAL)

1. This appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 (for brevity, "MV Act") by the insurance company, assailing award dated 17.12.2024, whereby a petition, preferred by claimant/respondent No.1, for grant of compensation on account of death of her son Teenu, has been partly accepted.

2. Facts, in brief, leading to the filing of the appeal are that on 12.09.2023, Teenu along with his friend Vikram were riding a motorcycle. A car bearing registration No.HR-31S-3167 rashly driven



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respondent No.1 collided with the motorcycle and Teenu sustained multiple injuries. He was taken to Civil Hospital, Jind, where he was declared dead. An FIR No.417, Ex.P2, dated 12.09.2023 was lodged under Sections 279 and 304-A, IPC at Police Station, Jind Sadar, by Sanjeev, an eye witness. Claimant filed a petition under MV Act for grant of compensation, which has been partly accepted vide impugned award and she has been granted compensation of Rs.36,54,300/-. The owner-cum-driver as well as the insurance company have been held liable to pay the amount, alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition.

3. Counsel for the appellant asserts that the Tribunal has erred in assessing the notional income of the deceased as Rs.25,000/- per month. It is urged that the said assessment is on the higher side and deserves to be reduced. He argued that Tribunal has failed to notice that there was no proof of income as deceased was a student.

4. Advance copy of the appeal has been served on the caveator – respondent No.1, who submits that Tribunal has correctly assessed the notional income of the deceased. He has placed reliance upon **Raj Kumar and another Vs. Vikas Chaudhary and others, Law Finder Doc Id # 2496061**, and **Oriental Insurance Company Limited and other Vs. Meenakshi and others, 2020(1) RCR (Civil) 852**, to assert that assessment is justified and does not warrant any interference.

5. I have heard counsel for the parties and have considered their respective submissions.



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6. On the basis of the evidence adduced, Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving of Subham, which resulted in the death of Teenu. Tribunal found that the driver of the offending vehicle was holding a valid driving license, Ex.R1, and the vehicle was insured under insurance policy, Ex.R3.

7. Tribunal assessed the compensation by taking the notional income of the deceased as Rs.25,000/- per month after considering that he was a meritorious student. Tribunal has perused the Secondary and Senior Secondary examination mark sheets, Ex.P5 and Ex.P6, which show that Teenu secured a first division in both the exams. He cleared Bsc. with first division, as per Certificate, Ex.P7. Tribunal determined the notional income by placing reliance upon the judgments of this Court in **Raj Kumar's case (supra)**, and in **Meenakshi's case (supra)**. In **Raj Kumar's case (supra)**, this Court assessed the notional income of a final year B.Sc. Nursing student who died in an accident on 13.11.2016, at Rs.20,000/- per month. Similarly, in **Meenakshi's case (supra)**, the income of a brilliant B.Com graduate pursuing Law who lost his life in an accident on 17.09.2015, was assessed at Rs.25,000/- per month. Further, Hon'ble Supreme Court in **S. Vasanthi & Anr. Vs. Adhiparasakthi Engineering College & Anr., (2022) 15 SCC 316**, determined a notional income of Rs.30,000/- per month for a deceased MBA student who expired in a vehicular accident on 22.05.2010. Considering these precedents, notional income of Rs.25,000/- assessed



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by the Tribunal for an accident which took place in the year 2023 is just and fair. It does not warrant any interference. Further, addition of 40% towards future prospects, as deceased was 26 years at the time of accident, deduction of 1/2 towards personal expenses as deceased was a bachelor, and award under the conventional heads, are all in line with the settled legal position. No intervention is called for in the quantum of compensation awarded by the Tribunal.

8. For the reasons recorded above, this Court does not find any merit in the appeal, which is dismissed with no order as to costs.

9. As the appeal has been decided, pending application(s), if any, is/are disposed of.

(SUVIR SEHGAL)
JUDGE

16.07.2025

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No