



IN THE H IGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-3531-2016 (O&M)
Date of Decision : 11.02.2025

Sukhchain SinghAppellant

VERSUS

Balwant Singh and OthersRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Tarun Singla, Advocate for the appellant.
Mr. D.K. Garg, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as the ‘Tribunal’) vide award dated 02.12.2015 on account of death of Harpreet Singh @ Happy (hereinafter referred to as the ‘deceased’) in a motor vehicle accident.
2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.
3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.3,600/-
2	Deduction of 50%	[Rs.3,600 – 1,800] = Rs.1,800/-
3	Annual income	[Rs.18,00 x 12] = Rs.21,600/-
4	Multiplier – 18	[Rs.21,600 x 18] = Rs.3,88,800/-

5	Funeral expenses	Rs.25,000/-
6	Loss of love and affection	Rs.50,000/-
	Total Compensation	Rs.4,63,800/-
	Interest	6% per annum

4. Learned counsel for the claimant-appellant would contend that the deceased in the present case was a young boy of 20 years and was a student of B.A. Final year in Government Rajindra College, Bathinda and had a very bright future ahead. In his spare time, he was also working at Palta Medical Store, Hazi Rattan, Bathinda and was earning Rs.2,500/- per month. However, the Tribunal has erred in assessing his income only as Rs.3,600/- per annum. Learned counsel for the claimant-appellants has relied upon a judgment of the Hon’ble Supreme Court in the case of **Bishnupriya Panda V/s Basanti Manjari Mohanty & Anr. [2023 (4) TAC 44]** to contend that the deceased in that case was a 4th year student of MBBS and Hon’ble Supreme Court had assessed his notional income as Rs.50,000/- per month for an accident that took place on 27.07.2013. Further, reliance has been placed upon the judgment passed by the Hon’ble Supreme Court in the case of **Arjun Kumar Aggarwal V/s The New India Assurance Co. Ltd. & Ors. [2023(3) TAC 23]** wherein the notional income of the deceased was taken as Rs.29,166/- on the basis of an appointment letter. Further reliance has been placed on the case of an engineering student in the case of **Kandasami & Ors. vs. Lindabriyal & Anr. [2023 ACJ 1653]** where the accident took place on 28.09.2008 and the notional income was assessed as Rs.25,000/- per month.

5. Learned counsel for the claimant-appellant would further contend that the Tribunal has not made any addition towards loss of future prospects. It is further the contention that the amount awarded under the conventional heads is also not in accordance with the law laid down by the Hon'ble Supreme Court. In support of his contentions, he has relied upon the judgments of the Hon'ble Supreme Court in the cases of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**, **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]** and **N. Jayasree & Ors. vs. Cholanmandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

6. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

7. Heard.

8. In the present case there is no challenge to the deduction and the multiplier as applied by the Tribunal and hence the same are maintained. The deceased was a student of B.A. Final Year in Government Rajindra College, Bathinda at the time of the accident. Hon'ble Supreme Court in the case of **Bishnupriya Panda** (supra) had taken the notional income of the deceased as Rs.50,000/- per month for the accident which took place in the year 2013. In a similar case of **Arjun Kumar Aggarwal** (supra) the notional income of the deceased was taken as Rs.29,166/- per month and in the case of **Kandasami** (supra) notional income as Rs.25,000/- per month was taken

for an accident which took place in the year 2008. Thus, taking a conservative estimate, as the date of the accident in the present case was 25.07.2004, the notional income of the deceased is assessed as Rs.10,000/- per month. Further, the Tribunal has erred in not making any addition towards loss of future prospects which ought to have been 40% in view of the law laid down by Hon’ble Supreme Court in case of **Pranay Sethi** (supra). Further, the amount awarded under the conventional heads is also not in accordance with the law laid down by the Hon’ble Supreme Court and hence, as per the law laid down by the Hon’ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra), the claimant-appellant would be entitled to Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses. The amount of Rs.50,000/- awarded by the Tribunal towards loss of love and affection is maintained.

9. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Notional income	Rs.10,000/-
2	Annual income	[Rs.10,000/- x 12] = Rs.1,20,000/-
3	Deduction 50%	[Rs.1,20,000 – 60,000] = Rs.60,000/-
4	Future prospects @ 40%	[Rs.60,000+ Rs.24,000/-] = Rs.84,000/-
5	Multiplier - 18	[Rs.84,000 x 18] = Rs.15,12,000/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of love and affection as awarded by the Tribunal	Rs.50,000/-
	Total Compensation	Rs.15,98,000/-

10. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 6% per annum from the date of filing of the claim petition till the realization of the entire amount.

11. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

**(ALKA SARIN)
JUDGE**

11.02.2025
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO