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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-714-2018 (O&M)
Date of Decision : 19.08.2025

Amandeep Singh ... Appellant(s)

Versus

Jagtar Singh & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manbir Singh Batth, Advocate for the appellant.

Mr. Vinod Gupta, Advocate and
Mr. Harinder Kumar, Advocate for respondent No.3.

ALKA SARIN, J. **(Oral)**

CM-2119-CII-2018

1. For the reasons mentioned therein, the application seeking condonation of delay of 147 days in filing the appeal is allowed and the delay of 147 days in filing the appeal is condoned. However, the claimant shall not be entitled to interest for the period of delay in filing the appeal.

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2. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'Tribunal') vide the impugned award dated 22.02.2017 in a motor vehicle accident which occurred on 14.09.2015.

3. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

4. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹5,000/-
2	Annual income	[₹5,000 x 12] = ₹60,000/-
3	Multiplier of 18	[₹60,000 x 18] = ₹10,80,000/-
4	Funeral expenses	₹25,000/-
5	Love and affection	₹50,000/-
6	**Total Compensation**	**₹11,55,000/-**
	Interest	**6% per annum**

5. Learned counsel for the claimant-appellant states that he does not wish to challenge the multiplier as applied by the Tribunal. He, however, states that the deceased in the present case was a young girl of 23 years at the time of the accident and besides being a graduate in Bachelor of Business Administration, she was also doing IELTS and had a very bright future ahead. However, the Tribunal has erred in assessing her income only as ₹5,000/- per month. Learned counsel for the claimant-appellant has relied upon a judgment of the Hon'ble Supreme Court in the case of **Bishnupriya Panda vs. Basanti Manjari Mohanty & Anr. [2023 ACJ 2393 = 2023(4) TAC 44]** to contend that the deceased in that case was a 4th year student of MBBS and the Hon'ble Supreme Court had assessed the notional income as ₹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 vs. The New India Assurance Co. Ltd. & Ors. [2023(3) TAC 23]** wherein the notional income of the deceased was taken as ₹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 ₹25,000/- per month.

6. Learned counsel for the claimant-appellant would further contend that the Tribunal has not made any addition towards future prospects which ought to have been 40%. It is further the contention that the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

7. *Per contra,* the learned counsel for respondent No.3-Insurance Company has vehemently argued that the income of the deceased has rightly been assessed in the absence of any evidence. It is further the contention of the learned counsel that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

8. I have heard learned counsel for the parties.

9. In the present case, no appeal has been preferred by the Insurance Company. Since there is no challenge to the multiplier as applied by the Tribunal, hence, the same is maintained. The Tribunal has erred in assessing the income of the deceased as ₹5,000/- per month inasmuch as the deceased in the present case was a young girl of 23 years at the time of the accident. She was graduate in Bachelor of Business Administration and was also doing IELTS and had a bright future ahead. The claimant-appellant

examined PW2 - Kulwinder Singh - and proved on record the marksheets of BBA as Ex.PW/B and EX.PW1/C. Hon'ble Supreme Court in the case of **Bishnupriya Panda** (supra) had taken the notional income of the deceased as ₹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 ₹29,166/- per month and in the case of **Kandasami** (supra) notional income as ₹25,000/- per month was taken for an accident which took place in the year 2008. Thus, taking a conservative estimate, as the accident in the present case pertains to 14.09.2015, the notional income of the deceased is assessed as ₹15,000/- per month.

10. Further, the Tribunal has erred in not making any addition towards 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). The Tribunal has also not made any deduction towards personal expenses which ought to have been 50% as per the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** (supra) inasmuch as the deceased was unmarried.

11. Further, the amounts awarded under the conventional heads as well as under the head loss of consortium are not as per the law laid down by the Hon'ble Supreme Court. 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 ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimant-appellant would also be entitled to ₹48,000/- (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹15,000/-
2	Annual Income	₹1,80,000/- [₹15,000 x 12]
3	Deduction 50%	₹90,000/- [₹1,80,000 – 90,000]
4	Future Prospects - 40%	₹1,26,000/- [₹90,000 + 36,000]
5	Multiplier - 18	₹22,68,000/- [₹1,26,000 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial	 ₹48,000/-
	Total Compensation	**₹23,52,000/-**

12. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

13. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimant within six weeks from today. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimant to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

14. In view of the above, the present appeal is allowed and the impugned award stands modified to the extent stated above. Pending applications, if any, also stand disposed off.

19.08.2025 **(ALKA SARIN)**
Yogesh Sharma **JUDGE**

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