



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision : 11.03.2026

1. FAO-3427-2019 (O&M)

Harvinder Kaur and Others

..... Appellants

versus

Avinash Singla and others

..... Respondents

2. FAO-924-2019 (O&M)

Rajesh Kumar

..... Appellant

versus

Avinash Singla and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Dheeraj Narula, Advocate
for the appellants.

Mr. Paul S. Saini, Advocate
for respondent No.3-Insurance company.

PANKAJ JAIN, J. (Oral)

CM-11989-CII-2019 in FAO-3427-2019
& CM-2882-CII-2019 in FAO-924-2019

These are the applications for condonation of delay of 30 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 30 days in filing the appeals stands condoned.

Main case(s)

1. These are two appeals filed by the claimants seeking enhancement of compensation in a motor vehicular accident dated



12.06.2017, wherein an ITI student Gagandeep Singh lost his life at the age of 22 years. Parents and sister of Gagandeep Singh filed claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation.

2. FAO No. 3427 of 2019 relates to death of Gagandeep Singh. Tribunal awarded a sum of Rs.12,24,600/- with interest @ 7% from the date of filing of claim petition till the date of actual realization.

3. The main issue raised by the counsel for the claimants is assessment of the notional income of the deceased Gagandeep Singh. The deceased undergoing a course in Computer Hardware & Networking Maintenance from ITI and the Tribunal while assessing his monthly income, has not even granted minimum wages payable to the skilled worker.

4. Mr. Saini, counsel for the insurance company is not in a position to dispute that on the date of accident, the minimum wages notified for skilled workers were Rs.10,200/- In view thereof, the income of the deceased for the purpose of computing compensation payable to the claimants is assessed as Rs.11,000/-. 40% future prospects need to be added. In view of the fact that the deceased was a bachelor, 50% deduction needs to be applied. Multiplier of 18 has been rightly applied by the Tribunal. Each of the claimants is held entitled for loss of consortium @ Rs.48,400/-. The claimants shall also be entitled for Rs.18,000/- as funeral expenses and Rs.18,000/- on account of loss of estate. Interest as granted by the Tribunal is maintained.

5. Needless to say, anything already paid shall be set off and the interest shall be applicable on the enhanced amount from the date of



filing of the claim petition till the date of actual realization.

6. With the aforesaid modification in the impugned award, FAO No. 3427 of 2019 stands disposed off.

7. FAO No.924 of 2019 relates to injury suffered by Rajesh Kumar in the same accident. As per the findings recorded by the Tribunal, Rajesh Kumar was also student of ITI, Odhan at the time of accident. It stands proved that he remained hospitalized from 12.06.2017 till 15.06.2017 and was operated for left thigh and foot. He again remained hospitalized from 24.07.2017 to 26.07.2017 and had to undergo multiple surgeries. His injuries were proved by examining PW2 Dr. Pawan Kumar, Medical Officer, Gill Hospital, Sirsa. As per the medical experts, the claimant has pain in left foot while walking and suffers from decreased range of motion of left knee and ankle. His permanent disability was assessed as 15% qua whole body. Disability certificate is on record as Ex.P7. Keeping in view that the claimant is an unmarried young boy, who will have to compete amongst skilled workers to earn his livelihood, this Court finds that his functional disability needs to be taken as 25% for purpose of awarding compensation. As in the case of Gagandeep Singh, his monthly income is notionally assessed as Rs.11000/-. 40% future prospects need to be added. Multiplier of 18 needs to be applied.

8. Date of accident in the present case is 12.06.2017. Rajesh Kumar remained hospitalized till 26.07.2017. Thus, he is awarded loss of income for 03 months, i.e. Rs.33,000/-. For pain and sufferings, he having undergone multiple surgeries, the claimant is granted Rs.1 lakh.

For three months, he is granted attendant expenses, i.e. Rs.25,000/-.



Special diet Rs.25,000/-. The medical expenses on actual basis as awarded by the Tribunal are maintained. Since doctor opined that he will require physiotherapy for future, claimant is awarded Rs.50000/- for future medical expenses. Rs.1 lakh is awarded for loss of matrimonial prospects. Rs.1 lakh is also awarded for loss of amenities. Interest as awarded by the Tribunal.

9. With the aforesaid modification in the impugned award, FAO No.924 of 2019 also stands disposed off.

10. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

11.03.2026

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No