

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****272-2****FAO-3446-2021 (O&M)****Date of decision: 29.01.2026****Harpreet Kaur and another****...Appellant(s)****Vs.****Varinder Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. B.D.Sharma, Advocate
for the appellants.

Mr. Rishav Jain, Advocate for respondent No.1.

Mr. Aman Sharma, Advocate for the respondent
No.2 and 3-PRTC.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.12,39,600/- awarded by the learned Motor Accident Claims Tribunal, Jalandhar (hereinafter referred to as "the learned Tribunal") vide Award dated 05.08.2019 passed in MACP Case No. 162 dated 16.07.2018 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 2 claimants before the learned Tribunal are 47-year-old mother; and 54-year-old father of the deceased Harminder Singh, who was 23 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Harminder Singh had died due to the injuries suffered by him in



a motor vehicular accident that took place on 30.05.2018 due to the rash and negligent driving of a Bus bearing registration No.PB-10DR-1115 (hereinafter “the offending vehicle”) being driven by respondent No.1; and owned by respondents No.2 and 3. The Tribunal awarded the above compensation along with interest @ 8% per annum. Respondents No. 1 to 3 were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.8,000/-p.m. as that of an unskilled worker. It is submitted that it was the clear case of the appellants before the learned Tribunal that deceased was a student of B.A.Hons; and was also an agriculturist alongwith his father. It is contended that therefore, income of the deceased ought to have been taken as that of a skilled worker. It is further submitted that future prospects, multiplier and deduction have been incorrectly made and, nothing has been awarded by way of consortium to the appellants. It is accordingly prayed that the present appeal be allowed; and the compensation be enhanced as above.

4. *Per contra*, Id. counsel for respondents No.1, 2 and 3 oppose submissions of the appellants and submit that the impugned Award suffers from no infirmity as the compensation awarded to the appellants is just and fair. Hence, the present appeal deserves to be dismissed.

5. No other argument is raised on behalf of the parties. I have heard Id. counsel and perused the case file in detail. I find some merit in the submissions advanced on behalf of the appellants.



6. It has been contended by the appellants that deceased was a student of B.A. Hons from DAV University, Jalandhar and was helping his father in agriculture and therefore, his income ought to have been taken as that of a skilled worker. However, perusal of the record of the case shows that no document whatsoever has been produced by the appellants to prove their above said contentions. Although it has been emphatically stated by learned counsel for the appellants that the deceased was a student of B.A. Hons. However, on Court queries, learned counsel for the appellants is unable to deny that no Roll No., Admission No., Certification or some other documentary evidence was produced by the appellants to prove this fact. It is further pleaded that deceased was doing agricultural work and was earning Rs.10,000/- p.m. Again, the appellants have led no documentary evidence to show that deceased was earning Rs.10,000/- p.m. Be that as it may, even if it is assumed to be correct, then agricultural land has stayed with the appellants. As such, income of the deceased was only required to be assessed as per the managerial/supervisory wages for managing the said land. Moreover, no Minimum Wage Notification has been produced by learned counsel for the appellants to make good his assertions. Hence, learned Tribunal was not in error in ascertaining the income of the deceased as Rs.7,852.17 per month (rounded off to Rs.8,000/- p.m.) on the basis of relevant Minimum Wage Notification.

7. Further, the age of the deceased was determined to be 23 years on the basis of pleadings. Thus, addition of 40% towards future



prospects was correctly made; and multiplier of 18 was also correctly applied. As deceased was a bachelor at the time of accident, Tribunal had correctly deducted 50% towards personal expenses of the deceased. Under the conventional heads, learned Tribunal had only awarded Rs.15,000/- towards loss of estate, love and affection; and Rs.15,000/- towards funeral expenses; thereby granting total compensation of Rs.12,39,600/-.

8. However, claimants being parents of the deceased are entitled to consortium of Rs.44,000/- each i.e. Rs.88,000/- in conformity with the law laid down by Hon’ble Supreme Court in ***“National Insurance Company Limited vs. Pranay Sethi and others”, Special Leave Petition (Civil) No. 25590 of 2014.***

9. In view of above, the present appeal is **partly allowed**; and compensation payable to the appellants is enhanced for an amount of Rs.44,000/- each to claimants no.1 and 2 i.e. total of Rs.88,000/- in the above terms. The appellants are therefore entitled to total compensation of ₹13,27,600/- i.e. (₹12,39,600/- + ₹88,000/-).

10. Pending application(s) if any also stand(s) disposed of.

29.01.2026

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No