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# IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**FAO-63-2014 (O&M)**
**Date of Decision : 11.02.2026**

Naseeb Kaur & Anr ... Appellant(s)

Versus

Jagmeet Singh & Ors ... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Ms. Lipika, Advocate for the appellants.

None for respondent Nos.1 and 2.

Mr. Rajneesh Malhotra, Advocate for respondent No.4.

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

**CM-7327-CII-2025**

1. This is an application for fixing an actual date of hearing in the main case.

2. For the reasons stated in the application, the same is allowed. With the consent of the learned counsel for the parties, the main case is taken on Board today itself.

**FAO-63-2014**

3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter referred to as 'Tribunal') vide the impugned award dated 13.08.2013 in a motor vehicle accident which occurred on 28.12.2010.

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

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

| Sr. No. | Heads | Compensation Awarded | |
|---|---|---|---|
| 1 | Monthly Income | ₹4,500/- | |
| 2 | Deduction - 1/3rd | ₹3,000/- | [₹4,500 - ₹1,500] |
| 3 | Annual Income | ₹36,000/- | [₹3,000 x 12] |
| 4 | Multiplier - 18 | ₹6,48,000/- | [₹36,000 x 18] |
| 5 | Funeral expenses | ₹10,000/- | |
| | **Total Compensation** | **₹6,58,000/-** | |
| | **Interest** | **7.5%** | |

6. Learned counsel for the claimant-appellants would contend that she does not challenge the deduction and multiplier as applied by the Tribunal. She, however, states that the deceased in the present case was a student of B.A.M.S. (2nd year) and, hence, the income as assessed by the Tribunal i.e. ₹4,500/- per month is on the lower side. It is further the contention of the learned counsel that no addition has been made towards future prospects which ought to have been 40% inasmuch as the deceased was 22 years of age at the time of the accident. It is further the contention of the learned counsel that no compensation has been awarded under the head 'loss of consortium' and that the compensation awarded under the conventional heads is not in accordance with the law laid down by the Hon'ble Supreme Court. In support of her contentions, she 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.4-Insurance Company has vehemently argued that the income of the deceased has rightly

been assessed by the Tribunal i.e. ₹4,500/- per month and that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

8. None has put in appearance on behalf of respondent Nos.1 and 2 despite the counsel being informed by the Registry via email.

9. Respondent No.2-owner herein has also filed an appeal being FAO-5856-2013 challenging the recovery rights. In this appeal recovery of the award amount was stayed vide order dated 04.12.2013.

10. I have heard the learned counsel for the parties.

11. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, since no challenge has been laid by the learned counsel for the claimant-appellants to the deduction and multiplier as applied by the Tribunal, the same are maintained accordingly.

12. In the present case, the argument of the learned counsel for the claimant-appellants that the income of the deceased has been assessed on the lower side deserves to be accepted. The deceased, in the present case, was 22 years of age and a student of B.A.M.S. (2$^{nd}$ year) in Saint Sahara Ayurvedic Medical College, Bathinda. His mark sheet of First Professional Examination in Nov-Dec 2009 was produced on record as Ex.P1 and the certificate issued by the Principal of the College was also produced on record as Ex.P2 as also the other certificates were also produced on record as Ex.P7 to Ex.P9. Hon'ble Supreme Court in the case of **Chandra @ Chanda @ Chandraram & Anr. vs. Mukesh Kumar Yadav & Ors.** [**2021(4) RCR (Civil) 492]** has held that a certain amount of guesswork can be done in motor accident claim cases while assessing the income in the absence of any definite proof regarding income. Para 10 of the said judgment reads as under :

> “10. It is the specific case of the claimants that the *deceased was possessing heavy vehicle driving licence and was earning Rs.15000/- per month. Possessing such licence and driving of heavy vehicle on the date of accident is proved from the evidence on record. Though the wife of the deceased has categorically deposed as AW-1 that her husband Shivpal was earning Rs.15000/- per month, same was not considered only on the ground that salary certificate was not filed. The Tribunal has fixed the monthly income of the deceased by adopting minimum wage notified for the skilled labour in the year 2016. In absence of salary certificate the minimum wage notification can be a yardstick but at the same time cannot be an absolute one to fix the income of the deceased. In absence of documentary evidence on record some amount of guesswork is required to be done. But at the same time the guesswork for assessing the income of the deceased should not be totally detached from reality. Merely because claimants were unable to produce documentary evidence to show the monthly income of Shivpal, same does not justify adoption of lowest tier of minimum wage while computing the income. There is no reason to discard the oral evidence of the wife of the deceased who has deposed that late Shivpal was earning around Rs.15000/- per month. In the case of Minu Rout & Anr. v. Satya Pradyumna Mohapatra & Ors., (2013) 10 SCC 695 this Court while dealing with the claim relating to an accident which occurred on 08.11.2004 has taken the salary of the driver of light motor vehicle at Rs.6000/- per month. In this case the accident was on 27.02.2016 and it is clearly proved that the deceased was in possession of heavy vehicle driving licence and was driving such vehicle on the day of accident. Keeping in*

> *mind the enormous growth of vehicle population and demand for good drivers and by considering oral evidence on record we may take the income of the deceased at Rs.8000/- per month for the purpose of loss of dependency. Deceased was aged about 32 years on the date of the accident and as he was on fixed salary, 40% enhancement is to be made towards loss of future prospects. At the same time deduction of 1/3rd is to be made from the income of the deceased towards his personal expenses. Accordingly the income of the deceased can be arrived at Rs.7467/- per month. By applying the multiplier of '16' the claimants are entitled for compensation of Rs.14,33,664/-. As an amount of Rs.10,99,700/- is already paid towards the loss of dependency the appellant-parents are entitled for differential compensation of Rs.3,33,964/-. Further in view of the judgment of this Court in the case of Magma General Insurance Company Limited v. Nanu Ram @ Chuhru Ram & Ors., 2018 SCC OnLine SC 1546 = (2018) 18 SCC 130 the appellants are also entitled for parental consortium of Rs.40,000/-each. The finding of the Tribunal that parents cannot be treated as dependents runs contrary to the judgment of this Court in the case of Sarla Verma (Smt). & Ors. v. Delhi Transport Corporation & Anr., (2009) 6 SCC 121. The judgment in the case of Kirti & Anr. v. Oriental Insurance Company Limited, (2021) 2 SCC 166 relied on by the counsel for the respondent would not render any assistance in support of his case having regard to facts of the case and the evidence on record.*"

13. The notification issued periodically qua the minimum wages is merely a yardstick, however, the same cannot be the only factor for assessing compensation payable to the claimants in motor accident claim cases. The

Court has to strike a balance between inflated and unreasonable demands of the victim and equally untenable claim of the opposite party saying that nothing is payable. However, at the same time, the award has to be just so as to ensure that the claimants are adequately restored to the position prior to the accident. Keeping in view the fact that the deceased was a student of B.A.M.S (2nd year) and the minimum wage for a skilled worker at the relevant point of time was ₹4,604/- per month and after applying certain amount of guess work, the income of the deceased is assessed as ₹6,000/- per month.

14. The Tribunal has not made any addition towards future prospects. The deceased was admittedly 22 years of age at the time of the accident, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects. Further, no compensation has been awarded under the head 'loss of consortium' and the compensation awarded under the conventional heads is not 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), hence, the claimants 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 claimants (parents of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

| Sr. No. | Heads | Compensation Awarded | |
|---|---|---|---|
| 1 | Monthly Income | ₹6,000/- | |
| 2 | Annual Income | ₹72,000/- | [₹6,000 x 12] |
| 3 | Deduction - 1/3rd | ₹48,000/- | [₹72,000 - ₹24,000] |
| 4 | Future Prospects - 40% | ₹67,200/- | [₹48,000 + ₹19,200] |

| | | |
|---|---|---|
| 5 | Multiplier - 18 | ₹12,09,600/- [₹67,200 x 18] |
| 6 | Loss of estate | ₹18,000/- |
| 7 | Funeral expenses | ₹18,000/- |
| 8 | Loss of consortium<br>(i) Filial [₹48,000/- x 2] | ₹96,000/- |
| | **Total Compensation** | **₹13,41,600/-** |

15. 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.

16. 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 claimants within six weeks from today and the apportionment thereof shall be as per the direction of the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants 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.

17. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly. Rest of the findings of the Tribunal are upheld. Pending applications, if any, also stand disposed off.

11.02.2026
Yogesh Sharma

**( ALKA SARIN )**
**JUDGE**

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