**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**
**-.-**

**FAO-4764-2017 (O&M) &
XOBJC-88- 2019**

Oriental Insurance Company Ltd. ....Appellant

Vs.

Ramanjit Kaur and others ....Respondents

**Reserved on : 06.02.2026
Date of Pronouncement:23.03.2026
Uploaded on :27.03.2026**

*Whether only the operative part of the judgment is pronounced?NO
Whether full judgment is pronounced? YES*

**CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present : Mr. R.C. Gupta, Advocate,
for the appellant-Insurance Company

Mr. Pankaj Katia, Advocate
for cross-objector/respondent No. 1 and 2
(in X Objection No. 88–2019)

-.-

**SUDEEPTI SHARMA, J.**

**FAO-4764-2017 (O&M)**

1. The present appeal has been preferred against the award dated 06.04.2017 passed by the learned Motor Accident Claims Tribunal, (District Judge), Mohali (for short, 'the Tribunal') in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, on the ground of negligence and quantum of compensation to be on higher side, as the appellant/

insurance company was held liable to pay the compensation to claimant/respondent No. 1 and 2.

**XOBJC-88-2019**

2. The present cross-objection has been preferred by cross-objector/claimant (respondent No. 1 herein) against the award dated 06.04.2017 passed by the learned Motor Accident Claims Tribunal, (District Judge), Mohali (for short, 'the Tribunal') in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Tribunal, for enhancement of compensation, granted to the cross-objector/claimants to the tune of Rs.25,30,00/- along with interest @ 6% per annum on account of death of Brahamroop Singh in a Motor Vehicular Accident, occurred on 17.12.2015.

3. Since the appeal filed by the Insurance Company and the cross-objections filed by the claimants/cross-objector are arising out of the same award dated 06.04.2017 passed by the learned Tribunal, therefore, **FAO-4764-2017** and **XOBJC-88-2019** are decided vide this common judgment.

***FACTS NOT IN DISPUTE***

4. Brief facts of the case are that on 17.12.2015, Brahamroop Singh, alongwith respondent no.1 was going to Mohali from his house, on motorcycle bearing registration no. PB65-AC-7613, driven by respondent no.1. Brahamroop Singh was sitting as pillion rider on the said motorcycle. The said motorcycle was driven by respondent no.1, at a high speed and in a rash and negligent manner. At about 8:30 am, when they reached near

bassan wali chungi, on kharar to Mohali road, then respondent no.1, while driving the motorcycle rashly and negligently and at a very high speed, without caring about the safety of the pillion rider, applied the brakes of the motorcycle, all of a sudden, as a result whereof, Brahamroop Singh had fallen down on the road and sustained serious injuries, including serious head injury. Many people gathered at the spot and Brahamroop Singh was taken to Civil Hospital, Phase-6, Mohali, from where, he was referred to PGI, Chandigarh, for treatment. Thereafter, he was taken to Mayo Hospital, Sector 69, Mohali, for better treatment, but he could not survive and succumbed to the injuries.

5. Upon notice of the claim petition, respondents appeared and admitted the factum of compensation.

6. From the pleadings of the parties, the following issues were framed by the learned Tribunal :-

> *"1. Whether Brahamroop Singh died in a motor vehicular accident which took place on 17.12.2015 on account of rash and negligent driving of the Motorcycle bearing registration No. PB-65AC-7613 driven by respondent No.1 Lakhvir Singh ?OPP*
>
> *2. If issue No. 1 is proved, whether the claimants are entitled to receive the compensation, if so, to what extent and from which the respondent? OPP*

*(3) Whether the claim petition is not maintainable in the present form? OPR.*

*(4) Whether the respondent No.1 Lakhvir Singh was not having valid and effective driving licence at the time of accident, if so, its effect?OPR.*

*(5) Relief."*

7. After taking into consideration the pleadings and the evidence on record, the learned Tribunal has awarded compensation to the tune of Rs.25,30,00/- along with interest @ 6% per annum on account of death of Brahamroop Singh and the appellant-Insurance Company was held liable to pay the compensation jointly and severally. Hence, the Insurance Company filed the present appeal.

**SUBMISSIONS OF LEARNED COUNSELS FOR THE PARTIES**

8. Learned counsel for the appellant–Insurance Company contends that the impugned award passed by the learned Tribunal is legally unsustainable and liable to be set aside. He further argues that the learned Tribunal has erred in holding that the accident occurred due to the rash and negligent driving of the offending vehicle. Learned counsel further submits that no FIR was registered with respect to the alleged occurrence and only a DDR was recorded, which, according to him, does not substantiate the case set up by the claimants.

9. He further contends that, as per the material available on record, the accident occurred due to the slipping of the offending vehicle (scooter) and not on account of any rash or negligent act attributable to the driver.

10. Learned counsel has also assailed the quantum of compensation awarded, submitting that the income of the deceased has been assessed on the higher side without sufficient basis. He further contends that the learned Tribunal has wrongly applied 50% towards future prospects, whereas, in the facts and circumstances of the present case, the same ought to have been restricted to 40%.

11. On the strength of the aforesaid submissions, it is prayed that the present appeal be allowed and the impugned award be suitably modified or set aside.

12. Per contra, learned counsel for the respondent Nos. 1 and 2/cross-objector contends that the amount assessed by the learned Tribunal is on the lower side and deserves to be enhanced. He further contends that the learned Tribunal has rightly made the appellant-Insurance Company liable to pay the compensation to the claimant/respondent No. 1 and 2. Therefore, he prays that the present cross-objection be allowed and appeal filed by the appellant-Insurance Company be dismissed and amount of compensation be enhanced as per latest law.

13. I have heard learned counsel for the parties and perused the whole record of this case.

14. Before proceeding further, it would be apposite to reproduce the relevant portion of the award:-

*"ISSUE NO.1*

*10. To establish the factum and manner of accident having taken place, the claimants have examined Rajinder Singh PW-2, whose affidavit is Ex.PW2/A. The said witness in his affidavit Ex.PW2/A, has categorically deposed about having witnessed the accident on 17.12.2015. He has categorically deposed that Lakhvir Singh was driving the motorcycle bearing registration no. PB65-AC-7613, at the relevant time and the deceased Brahamroop Singh was the pillion rider, on the said motorcycle. He also categorically deposed that the said motorcycle was being driven at a high speed and in a rash and negligent manner. When they reached near bassan wali chungi, on Kharar to Kurali road, respondent no.1 Lakhvir Singh could not control his motorcycle and had applied brakes all of a sudden, as a result whereof the motorcycle skidded and fell down on the road, alongwith the occupants. Pillion rider. Brahamroop Singh sustained serious injuries, including serious head injury, as a result of the same, he could not survive and succumbed to his injuries on 19.12.2015. He categorically deposed about having witnessed the said accident and imputed rashness and negligence, on the part of respondent no. 1,* *while driving motorcycle bearing registration no. PB65-AC-7613. Furthermore, even Parminder Singh, claimant no.2, who is father of the deceased, has also categorically deposed about his son Brahamroop Singh to have died in a motor vehicular accident. Besides the same, also the claimant no.2 tendered into evidence postmortem report Ex.PW1/B. Even, he tendered into evidence attested copy of the DDR Ex.PW1/F, which is stated to have been wrongly got lodged by respondent no.1 Lakhvir Singh, to wriggle out of his liability.*

*11. To the contrary, though the respondents in their respective replies have denied the accident in toto, but however, no evidence to substantiate this plea of denial, has come forth. In fact, respondent no.1 Lakhvir Singh, who in the capacity of being driver of the bearing registration no. PB23-M-7613, was the best person to substantiate the plea of denial, has chosen to remain away from the witness box and precisely on this account, adverse inference ought to be drawn against the respondents.*

*12. Now, it is assiduously submitted by counsel for the respondents that the fact of accident, as such, does not stand established in the present case. In fact, no FIR has been lodged in the present case. Moreover, respondent no.1, soon after the accident, had got lodged the DDR, copy whereof has been* *proved by the claimants themselves, which amply reveal about the accident to have not taken place due to the fault on the part of the respondent no.1. In the light of the same, it is submitted that the fact of accident being result of rashness and negligence, on the part of respondent no. 1, a such, does not stand established.*

*13 However, there is no sustenance in the aforesaid submission made by counsel for the respondents in unison. No doubt, in the present case, no FIR has been lodged, but however, solely on this account, the claim of the claimants cannot be thrown off board. Lodging of the FIR is not a condition precedent or pre-requisite to seek compensation in accidental cases. It is true that FIR is only a corroborative piece of evidence. Non registration of the police case regarding the accident does not give rise to any adverse inference, that no such motor accident occurred. The fact of accident may independently be established, otherwise. In the present case, very true as pointed out by counsel for the no.1, but however, this lodging of the DDR does not in itself demolish the claim of the claimants. It is pertinent to mention that this DDR has been got recorded by respondent no.1 Lakhvir Singh, who was driving motorcycle in question, of which the deceased was the pillion rider. In view of the same, it is quite obvious that Lakhvir*

*Singh has got recorded the DDR, thereby not attributing any incriminating role to himself. In the light of the same, one has to appraise the evidence, which is independently coming forth qua the establishment of the fact of accident. As already detailed aforesaid, PW-2 Rajinder Singh has categorically stated about himself to have witnessed the accident and that the accident had occurred on account of rash and negligent driving of the motorcycle bearing registration no. PB65-AC-7613, by respondent no.1 Applying of brake to the vehicle, which made the vehicle unstable, amply establish about the driver of the vehicle to be having not full control over the vehicle and this definitely spells, rashness and negligence on the part of the driver of the motorcycle. Moreover, it is pertinent to mention that nothing, as such, has come forth in the cross-examination of the said witness, to strengthen the claim of the respondents. Moreover, respondent no.1 himself has not stepped into the witness box to rebut rashness and negligence, attributed to him. As such, adverse inference ought to be drawn against the respondents.*

*14. In the light of the same and in view of the clear and specific testimony of Rajinder Singh PW-2, who is an eye witness to the accident, coupled with the testimony of PW-1 as well as the recitals of the postmortem report and the medical* *evidence coming on record, it stands amply established that the accident had taken place, due to the rash and negligent driving of motorcycle bearing registration No. PB65-AC-7631. by respondent no.1 Lakhvir Singh and the same resulted into death of Brahamroop Singh. As such, this issue is decided in favour of the claimants and against the respondents.*

***ISSUE NO.2.***

*15. Once, the factum of accident is established, the next vital question, which calls for consideration, is with regard to the extent of Compensation, payable to the claimants and the liability of the respondents to pay the same.*

*16. Firstly, let us consider the age of the deceased. In the claim petition, it is averred by the claimants that deceased Brabamroop Singh 18 years old, at the time of accident. Even, in the postmortem report EXPWL/B, the medical specialist has stated the age of the deceased to be 19 years. No evidence to the contrary has been led. Thus, in the light of the same, it stands established that, deceased Brahamloop Singh was in the age group of 18-25 years, at the time of accident*

*17. Now, coming to the avocation of the deceased. In the clam petition, the claimants have asserted that the deceased was doing degree at BCA from Govt. College. Mohali. Attested copy of Admit Card of deceased Brahamroop Singh* *has also been placed on record as Ex. PW1/D, which reveals about the deceased to be student of BCA in the year 2015. Looking at the qualification, which deceased Brahamroop that he had bright chances of settlement in life, on account of his educational qualification, had he remained alive. Considering his educational status, in modest estimate, the notional earnings of the deceased are taken to be Rs. 15,000/- per month. However, taking guidelines from the decision, rendered by the Honble Supreme Cout in Rajesh v. Rajbir Singh, 2013 (3) RCR (Civil), 170, there has to be addition of 50% to the actual income of the deceased, while computing the future prospects. There is nothing, as such, mentioned in the claim petition regarding martial status of deceased Brahamroop Singh However, the claim petition has been filed by the parents of the deceased and from the material brought on record, for all intents and purposes, it is evident that deceased Brahamroop Singh was unmarried. As per the decision, rendered by the Hon'ble Supreme Court, in 'Smt. Sarla Verma and others Vs. Delhi State Transport Corporation and another. 2009(3) Recent Civil Reports, 77 (Supreme Court), a deduction to the extent of 50% has to be made in the eventuality of death of a bachelor, on account of personal expenses. Also taking guidelines from Sarla Verma's case (Supra) and considering the age of the de-*

*ceased, suitable multiplier. to be applied, in the present case to work out the compensation is 18 Keeping in view the law laid down by the Hon'ble Supreme in Rajesh v. Rajbir Singh 2013 (3) RCR (Civil), 170, in view of inflation factor, just and reasonable amount that is required to be awarded by the Courts, for loss of consortium, is Rs.1,00,000/- Thus, the total compensation. pavable to the claimants, on account of death of deceased Brahamroop Singh, is calculated as follows:-*

| *Sr.No* | *HEADS* | *CALCULATION* |
|---|---|---|
| *(i)* | *Earnings of deceased* | *Rs: 15,000/- per month.* |
| *(ii)* | *50% of above to be added as future prospects* | *(Rs. 15,000 + Rs. 7500) Rs. 22,500 per month.* |
| *(iii)* | *1/2 of Sr.No. (ii) to be deducted as personal expenses of the deceased* | *(Rs. 22,500-11,250)= Rs. 11,250/- per month* |
| *(iv)* | *Compensation after multiplier of 18 is applied* | *(Rs. 11,250x12x18)= Rs: 24,30,000/-* |
| *(V)* | *Loss of consortium* | *Rs. 1,00,000/-* |
| | *TOTAL COMPENSATION AWARDED* | *Rs. 25,30,000-* |

*18 At the time of accident in question, respondent no.1 Lakhvir Singh was the driver and owner of the Motorcycle bearing No. PB65-AC-613 Also, from the insurance policy Ex. R1, it stands established that the motorcycle in question was duly insured with respondent no.2 insurance company and the period of insurance covers the date of accident also. Therefore, the respondents being driver, owner and insurer, respec-*

*tively, of the offending vehicle, as such, are jointly and severally liable to pay the aforesaid compensation amount, so awarded to the claimants. Accordingly, this issue is decided in favour of the claimants and against the respondents."*

15. A careful appraisal of the evidence on record shows that the learned Tribunal has rightly concluded that the accident in question occurred solely on account of the rash and negligent driving of the offending motorcycle by respondent-driver of the offending vehicle. The learned Tribunal has properly appreciated the testimony of PW-2 Rajinder Singh, eye-witness to the occurrence, who has categorically deposed about the manner of the accident and specifically attributed negligence to the respondent-driver. Nothing material could be elicited in his cross-examination to discredit his version, and his testimony inspires confidence.

16. The learned Tribunal has also correctly taken into consideration the testimony of PW-1 along with the medical and postmortem evidence, which duly corroborate the occurrence and the resultant death of the deceased.

17. Further, the contention regarding non-registration of the FIR has been rightly rejected by the learned Tribunal. It is well settled that in proceedings under the Motor Vehicles Act, lodging of an FIR is not a *sine qua non* for maintaining a claim petition. The standard of proof in such cases is that of preponderance of probabilities and not proof beyond reasonable

doubt. The claimants, in the present case, have successfully discharged the said burden.

18. Equally, the learned Tribunal has rightly held that the contents of the DDR cannot be treated as gospel truth, particularly when the same was lodged by respondent-driver himself, who was the driver of the offending vehicle and had an apparent interest in absolving himself of liability. Thus, the said document does not dent the otherwise reliable evidence led by the claimants.

19. Significantly, respondent-Lakhvir Singh, being the driver of the offending vehicle and the best person to explain the circumstances in which the accident occurred, failed to step into the witness box to controvert the allegations levelled against him. In such circumstances, the learned Tribunal has rightly drawn an adverse inference against him.

20. In view of the cogent and consistent evidence led by the claimants, duly appreciated by the learned Tribunal, it stands proved on record that the accident occurred due to the sole rash and negligent driving of respondent-Lakhvir Singh (driver of the offending vehicle), resulting in the death of Brahamroop Singh. The findings recorded by the learned Tribunal on this issue are based on proper appreciation of evidence and settled principles of law and, therefore, warrant no interference.

**XOBJC-88- 2019**

21. Adverting now to the cross-objections filed by the claimants/cross-objectors seeking enhancement of compensation, the same is

decided as under after taking into account the settled law on compensation.

**SETTLED LAW ON COMPENSATION**

22. Hon'ble Supreme Court in the case of ***Sarla Verma Vs. Delhi Transport Corporation and Another*** **[(2009) 6 Supreme Court Cases 121]**, laid down the law on assessment of compensation and the relevant paras of the same are as under:-

> "***30***. *Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra, the general practice is to apply standardised deductions. Having a considered several subsequent decisions of this Court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six.*
>
> ***31***. *Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the*

*contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father.*

***32**. Thus even if the deceased is survived by parents and siblings, only d the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third.*

* * * * * *

***42.** We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the table above (prepared by applying Susamma Thomas[3], Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.*

23. Hon'ble Supreme Court in the case of ***National Insurance Company Ltd. Vs. Pranay Sethi & Ors.*** **[(2017) 16 SCC 680]** has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

*(A) Deduction of personal and living expenses to determine multiplicand;*

*(B) Selection of multiplier depending on age of deceased;*

*(C) Age of deceased on basis for applying multiplier;*

*(D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;*

*(E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.*

The relevant portion of the judgment is reproduced as under:-

> "***52.*** *As far as the* ***conventional heads*** *are concerned, we find it difficult to agree with the view expressed in Rajesh[2]. It has granted Rs.25,000 towards funeral expenses, Rs 1,00,000 towards loss of consortium and Rs 1,00,000 towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh Devi, it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is*

*applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.*

* * * * *

***59.3**. While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.*

***59.4**. In case the deceased was self-employed (or) on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the* *deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.*

***59.5**. For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paras 30 to 32 of Sarla Verma which we have reproduced hereinbefore.*

***59.6.** The selection of multiplier shall be as indicated in the Table in Sarla Verma[1] read with para 42 of that judgment.*

***59.7**. The age of the deceased should be the basis for applying the multiplier.*

***59.8**. Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years."*

24. Hon'ble Supreme Court in the case of **Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram & Others [2018(18) SCC 130]** after considering **Sarla Verma(supra)** and **Pranay Sethi (Supra)** has settled the law regarding consortium. Relevant paras of the same are reproduced as under:-

*"**21**. A Constitution Bench of this Court in Pranay Sethi[2] dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortium. In legal parlance, "consortium" is a compendious term which encompasses "spousal*

*consortium", "parental consortium", and "filial consortium". The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse.*

*21.1. **Spousal consortium** is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of "company, society, cooperation, affection, and aid of the other in every conjugal relation".*

*21.2. **Parental consortium** is granted to the child upon the premature death of a parent, for loss of "parental aid, protection, affection, society, discipline, guidance and training".*

*21.3. **Filial consortium** is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.*

***22**. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognised that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of*

> *consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.*
>
> ***23**. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of filial consortium.*
>
> ***24**. The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under "loss of consortium" as laid down in Pranay Sethi[2]. In the present case, we deem it appropriate to award the father and the sister of the deceased, an amount of Rs 40,000 each for loss of filial consortium.*

25. A perusal of the impugned award reveals that the deceased, Brahamroop Singh was 19 years of age at the time of the accident, which stands duly proved on record through the PMR (Ex.PW1/B). Therefore the learned Tribunal has rightly applied the multiplier of 18 as per the settled law.

26. A further perusal of the record reveals that the deceased was stated to be pursuing degree of BCA from Govt.College ,Mohali at the time of the accident, thereby establishing that he was duly educated and possessed the requisite academic qualifications. However, the learned tribunal has assessed the monthly income of the deceased as Rs 15000 per month without considering the academic qualifications of the deceased and the potential impact on future earnings.

27. It is pertinent to note that Hon'ble the Supreme Court in recent pronouncement titled as ***Sharad Singh v. H.D. Narang (2025 INSC 1164), decided on 26.09.2025*** categorically observed that simply adopting minimum wages for a graduate preparing for a professional career is unrealistic and the assessment of the income can be modified on the basis of his education. The relevant portion of the same is reproduced as under :

> *"4. The next contention is regarding the loss of income computed. The appellant was a final year B.Com student who had also enrolled with the Institute of Chartered Accountants of India. The Tribunal adopted an income of Rs. 3,339/- per month being the minimum wages applicable to a workman. The High Court found that though he had academic prospects, the victim was yet to attain the qualification, which places the Court at a disadvantage in adopting the income of a Chartered Accountant. The High Court adopted an income of Rs.3,352/-. While the Tribunal adopted a multiplier of 17, the High Court correctly increased it to 18 as is laid down by a Constitution Bench in*

*National Insurance Company Limited v. Pranay Sethi, (2017) 16 SCC 680.*

*5. The Tribunal awarded a total amount of Rs. 18,03,512/- which was the total of the medical bills and the loss of income computed as hereinabove mentioned as also Rs. 1 lakh for pain and suffering. The High Court increased the quantum of income and awarded a total amount of Rs. 7,24,032/- as loss of income with 100% disability. The High Court further awarded an amount of Rs. 14 lakhs which included attendant charges, loss of amenities, compensation for pain and suffering, loss of marriage prospects and disfigurement occurred, in addition to the total medical expenses of Rs. 11,22,356/-. The total compensation awarded by the High Court came to Rs. 32,46,388/-.*

*6. The learned Senior Counsel for the appellant argued that there was no rationale in adopting the minimum wages for determining the income of a bright student who was in the process of completing his graduation and proceeding to sit for the Chartered Accountants examinations. The learned Counsel for the Insurance Company first argued that the amounts determined as minimum wages, is as per the schedule in Delhi relatable to a graduate. We were not convinced that the minimum wages would be determined on the basis of the educational qualification alone without reference to the nature of work carried on. The learned Counsel after further verification submitted that minimum wages adopted is of the year 2001 applicable to a skilled worker. We are not convinced that even that can be adopted for a graduate who was in the process of sitting for the Chartered Accountant* *examination which would have placed him in a good employment with immense prospects. The aspirations of the young man were shattered by the accident which left him paraplegic and fighting for breath, which also prompted the parents to relocate to another part of the country. We are of the opinion that even if he had not obtained the certificate as a Chartered Accountant, upon graduation, he could have been employed as an Accountant, who would have, on any reasonable estimate, received an amount of Rs. 5,000/- as monthly income in the year 2001, if the minimum wages prescribed for a skilled worker was Rs. 3,352/-. Adopting Rs. 5,000/- as monthly income, we are of the opinion that, as has been held in Pranay Sethi, 40% has to be computed as future prospects. The loss of income for the 100% disabled paraplegic would be Rs. 15,12,000/- (Rs. 5,000/- × 140% × 12 × 18). To this is to be added an amount of Rs.14 lakhs granted by the High Court under conventional heads and the medical expenses of Rs. 11,22,356/- totalling to Rs. 40,34,356/-. The total award carrying interest @ 9% per annum from the filing of the petition till realisation, as awarded by the Tribunal & the High Court and enhanced by us will be paid to the substituted appellant within a period of four months from today."*

28. Furthermore, Hon'ble the Supreme Court in ***Yashodamma S.V. Regional Manager, Reliance General, 2023 ACJ 605,*** has taken the monthly income of the deceased who was studying as a MCA student as

**Rs.20,000/- per month**. The relevant para of the same is reproduced as under:-

> *7. MACT, while taking note of this aspect, has arrived at a conclusion that from the evidence available on record, the deceased was a final year MCA student and as such, keeping in view the job prospects, the income is to be reckoned at Rs. 20,000 and taking note of the age of the deceased at 23 years, the future prospects at 50 per cent was reckoned. Thus, the loss of dependency was worked out on applying the multiplier of '18' at Rs. 32,40,000. On adding the amount towards the compensation on conventional heads, the total compensation was arrived at.*
>
> *8. The High Court, on the other hand, though had agreed with the MACT with regard to the mode of determining the compensation had, however, reckoned the income at Rs. 18,000 per month and no amount was awarded towards future prospects.*
>
> *9. It is in that light that the loss of dependency had been worked to Rs. 19,44,000.*
>
> *10. Though the learned counsel for the respondent insurance company seeks to sustain the judgment of the High Court by pointing out that the High Court, in fact, has referred to the decision relied upon by the claim ants in the case of National Insurance Co. Ltd. v. Pranay Sethi, 2017 ACJ 2700 (SC), what is necessary to be taken note of is the appropriate income to be reckoned and the future prospects to be granted in the fact situation arising herein.*
>
> *11. In fact, as rightly taken note of by the MACT, the notional income in a matter of the present nature could be reckoned at Rs. 20,000. Though the future prospect is taken at*

> *50 per cent by MACT, the appropriate percentage should have been at 40 per cent since income was decided on notional basis. Hence, to that extent, we find it necessary to correct the award passed by the MACT and the compensation be accordingly worked out in modification of the judgment passed by the High Court. The amount of Rs. 20,000 with 40 per cent future prospects and on deduction of 50 per cent towards personal expenses will be Rs. 14,000. This will work out to Rs. 30,24,000 towards loss of dependency.*

29. In light of the above referred to judgments, this Court deems it appropriate, in the interest of justice to reassess the income of the deceased. Therefore, the income of the deceased is assessed at ***Rs.18,000/- per month***, considering his educational background and the potential for higher earnings in the future.

30. A further perusal of the award reveals that the learned Tribunal has erred in adding 50% of amount towards future prospects to the income of the deceased. However, as per the settled law on compensation, **40%** is to be added as future prospects.

31. A further perusal of the award reveals that higher amount is granted under the head of loss of consortium and further no amount was granted towards the heads of loss of estate and funeral expenses. Therefore, the award requires interference and indulgence of this Court.

**CONCLUSION**

32. In view of the law laid down by the Hon'ble Supreme Court in the above referred to judgments, the appeal filed by the Insurance Company

is **dismissed** being devoid of any merits, whereas cross-objections filed by the cross-objectors/respondents No.1 to 2 are **allowed**. The award dated 06.04.2017 is modified accordingly. The cross-objectors/respondents No.1 to 2 are held entitled to enhanced compensation as per the calculations made here-under:-

| ***Sr. No.*** | ***Heads*** | ***Compensation Awarded*** |
|---|---|---|
| 1 | Monthly Income | Rs.18000/- |
| 2 | Future prospects @ 40% | Rs.7200/- (40% of 18000) |
| 3 | Deduction towards personal expenditure ½ | Rs.12600/- (25200 X 1/2) |
| 4 | Total Income | Rs.12600/- (25200– 12600) |
| 5 | Multiplier | 18 |
| 6 | Annual Dependency | Rs.27,21,600/- (12600X 12 X 18) |
| 7 | Loss of Estate | Rs.15,000/- |
| 8 | Funeral Expenses | Rs.15,000/- |
| 9 | Loss of Consortium<br>Filial : Rs.40000 x 2 | Rs.80,000/- |
| | **Total Compensation** | **Rs.28,31,600/-** |
| | **Amount Awarded by the Tribunal** | **Rs.25,30,000/-** |
| | **Enhanced amount** | **Rs.3,01,600/-<br>(Rs. 28,31,600- 25,30,000)** |

33. So far as the interest part is concerned, as held by Hon'ble Supreme Court in ***Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma*** **2019 ACJ 3176** and ***R.Valli and Others VS. Tamil Nadu State Transport Corporation*** **(2022) 5 Supreme Court Cases 107,** the cross-objectors/

claimants are granted the interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.

34. The appellant-Insurance Company is directed to deposit the enhanced amount of compensation with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The Tribunal is directed to disburse the amount of compensation along with interest in the account of cross-objectors/respondents No.1 to 2 as per award. The cross-objectors/ respondents No.1 to 2 are directed to furnish their bank account details to the learned Tribunal.

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

**(SUDEEPTI SHARMA)**
**JUDGE**

**23.03.2026**
Gaurav Arora

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes