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

**FAO-5585-2019 (O&M)**

**Date of Decision : 30.09.2025**

MALKIAT SINGH AND ANR .... Appellants

VERSUS

ROOP SINGH AND ANR .... Respondents

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

Present : Mr. Ashish Grover, Advocate  
for the appellants.

Mr. Lalit Garg, Advocate  
for respondent No.2.

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

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as the 'Tribunal') vide award dated 18.03.2019.
2. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.
3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹10,000
2.	Annual income	[₹10,000 x 12] = ₹1,20,000
3.	Deduction 50%	[₹1,20,000 - ₹60,000] = ₹60,000
4.	Future prospects 40%	[₹60,000 + ₹24,000] = ₹84,000
5.	Multiplier of 18	[₹84,000 x 18] = ₹15,12,000
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹40,000
	<b>Total Compensation</b>	<b>₹15,82,000</b>
	<b>Interest</b>	<b>@ 7% per annum</b>

4. Learned counsel for the claimant-appellants would contend that though the claimant-appellants do not challenge the deduction, the addition made towards future prospects and the multiplier as applied by the Tribunal, however, the deceased was a B.Tech degree holder (Ex.C4) which fact stood duly proved on the record. The deceased had been awarded the degree in B.Tech on 01.06.2017 and he was 24 years of age at the time of accident i.e. 26.03.2018. Learned counsel for the claimant-appellants would further contend that keeping in view the fact that the deceased was a bachelor and a B.Tech Graduate, his income has wrongly been assessed notionally as ₹10,000 per month. Learned counsel for the claimant-appellants has relied upon the judgment of the Hon'ble Supreme Court in the case of **Kandasami & Ors. V/s Linda Briyal & Anr. [2023 ACJ 1653]** to contend that in an accident which took place in the year 2008, the income of a B.Tech Graduate was assessed as ₹25,000 per month. It is further the contention of the learned counsel that the amounts awarded under the conventional heads and under the head 'loss of consortium' are on the lower side. In support of his contentions

the learned counsel for the claimant-appellants 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]**.

5. *Per contra*, learned counsel for respondent No.2-Insurance Company has relied upon the judgment of the Hon'ble Supreme Court in the case of **Smt. Meena Pawala & Ors. V/s Ashraf Ali & Ors. [2022 (1) RCR (Civil) 222]** to contend that the accident in the said case took place in 2012 and the deceased was 21 years of age and a student of 3<sup>rd</sup> year B.E. His income was assessed as ₹10,000 per month. Further reliance has been placed upon the judgment of the Hon'ble Supreme Court in the case of **Deepak Singh @ Deepak Chauhan V/s Mukesh Kumar & Ors. [2025 SCC OnLine SC 277]** wherein for an accident which occurred in 2012, the income of the deceased who was an Engineering student, had been assessed notionally as ₹10,000 per month. It is further the contention that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Heard.

7. In the present case the deceased was 24 years of age at the time of accident and was holding a B.Tech Degree (Ex.C4). The said fact stood proved by way of cogent evidence though there is no evidence on the record as to whether the deceased was working at the time of accident. Keeping in

view the fact that the deceased was holding a B.Tech Degree at the time of accident, his income as assessed by the Tribunal @ ₹10,000 per month is on the lower side. The Hon'ble Supreme Court in the case of **Kandasami** (supra) had assessed the notional income of the deceased as ₹25,000 per month for an accident which took place in the year 2008. Further in the case of **Deepak Singh @ Deepak Chauhan** (supra), for an accident which occurred in the year 2012, the notional income of ₹10,000 was assessed by their Lordships. Similarly in the case of **Smt. Meena Pawala** (supra), the notional income of a B.E. student who died in an accident in the year 2012 was assessed as ₹10,000 per month. The Hon'ble Supreme Court in **Ashvinbhai Jayantilal Modi V/s Ramkaran Ramchandra Sharma & Anr. [2014 (4) RCR (Civil) 543]**, in a case of a 19-year-old who was pursuing the professional course in medicine, had assessed the income as ₹25,000 per month. Yet again in the case of **Adarsh Gupta & Ors. V/s National Insurance Company Ltd. & Ors. [2021 SCC Online J&K 732]**, the deceased was a medical student and had died in a motor vehicular accident and his income was assessed as ₹25,000 per month. Recently the Hon'ble Supreme Court in the case of **Sharad Singh (Dead) through LR V/s H.R. Narang & Anr. [2025 SCC OnLine SC 2085]**, where the deceased was a final year B.Com student and was also enrolled with the Institute of Chartered Accountants and the accident took place in the year 2001, had assessed the income as ₹5,000 per month.

8. It is trite that minimum wage is merely a yardstick and some amount of guess work needs to be applied while assessing the income of the deceased especially in the absence of any evidence qua his employment. The

minimum wages for a skilled person in the year 2018 was ₹13,022 per month. Using the same as a yardstick and taking into account the judgments of the Hon'ble Supreme Court in the cases of **Kandasami** (supra) and **Smt. Meena Pawala** (supra), this Court deems it appropriate to assess the income of the deceased, who had completed his B.Tech in the year 2017, as ₹25,000 per month. Since there is no challenge to the deduction, the addition made towards future prospects and the multiplier as applied by the Tribunal, the same are maintained.

9. The argument of the learned counsel for the claimant-appellants that the amounts awarded under the conventional heads and under the head 'loss of consortium' are on the lower side deserves to be accepted. 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-appellants would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The claimant-appellants, being the parents of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

10. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹25,000
2.	Annual income	[₹25,000 x 12] = ₹3,00,000
3.	Deduction 50%	[₹3,00,000 - ₹1,50,000] = ₹1,50,000
4.	Future prospects 40%	[₹1,50,000 + ₹60,000] = ₹2,10,000
5.	Multiplier of 18	[₹2,10,000 x 18] = ₹37,80,000
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Filial	[₹48,000 x 2] = ₹96,000
	<b>Total Compensation</b>	<b>₹39,12,000</b>

11. 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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.2-Insurance Company in the bank account(s) of the claimant-appellants within a period of six weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent No.2-Insurance company within a period of two weeks from today and needful shall be done by respondent No.2-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

13. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

**30.09.2025**  
*Aman Jain*

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

*NOTE: Whether speaking/non-speaking: Speaking*  
*Whether reportable: Yes/No*