



3. The facts giving rise to the present appeal are as follows:-

On 12<sup>th</sup> October 2012, the claimant-appellant namely, Deepak along with his friend Bhagwan Singh were riding a motorcycle bearing No.HR-26-AJ-5496, being driven by the latter, heading to Kulana, when they collided with a Scorpio, which was being driven at a fast pace, rashly and negligently, from the wrong side.

Bhagwan Singh succumbed to the injuries on the spot while the claimant-appellant suffered grievous injuries. FIR No.213 under Sections 279, 337, 304-A and 427 of the Indian Penal Code, dated 13<sup>th</sup> October, 2012, was registered.

The Claimant-Appellant filed the claim petition on 7<sup>th</sup> January, 2013.

4. The learned MACT framed four issues for consideration, concerning the rashness and negligence of respondent No.1; entitlement of the claimant-appellant to compensation; liability of respondent No.3-insurer, to pay compensation; and the validity of the respondent's driving license.

Having considered the evidence before it, the conclusion arrived at by the Tribunal is as below : -

“ Relief :

24. In view of findings of this Tribunal returned on the issues under adjudication, the petition is partly allowed with costs. A sum of Rs.7,09,303/- is awarded as compensation to the petitioner along with interest @7.5% per annum from the date of filing of the petition till realization, out of which 50% shall, however, be paid to him in cash but the same shall be deposited in his bank account and remaining 50% shall be deposited for three years in fixed deposit account of any nationalized bank.

25. All the respondents being driver, owner and insurer of the offending vehicle are jointly and severally liable to pay the compensation amount to the claimants. However, respondent No.3 insurance company being the main stakeholder would pay the entire amount of compensation to the claimant.

26. Lawyer's fee is assessed at Rs.11,000/-. Memo of cost be prepared accordingly and file be consigned to record room after due compliance.”

(Emphasis supplied)

5. Feeling dissatisfied and aggrieved by the compensation awarded, the claimant-appellant appealed before the High Court. A perusal of the impugned judgment reveals that the Court relied on a judgment of this Court in **Raj Kumar v. Ajay Kumar**<sup>2</sup> and the testimony of Dr. Arvind Mehra - PW6, along with the discharge summary(s). The total compensation as enhanced by the Court was Rs.23,90,719/- and the interest part remained undisturbed.

6. Further aggrieved, an appeal has been preferred before us. In advancing arguments, learned counsel for the claimant-appellant took issue with the High Court's reliance on minimum wages to calculate compensation. This, he did while placing reliance on an order dated 13<sup>th</sup> January, 2020 of this Court passed in **Civil Appeal No.278 of 2020 titled Navjot Singh v. Harpreet Singh**. We find force in this submission of the claimant-appellant.

7. While dealing with the claim of compensation of a similarly placed individual, i.e., a student in his twenties, this Court in **Harpreet Singh** (supra)

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<sup>2</sup> (2011) 1 SCC 343

took exception to equating the notional income of an Engineering student to that of an unskilled worker the following terms -

“13. But we do not think that the notional income of a student undergoing a Degree course in Engineering from a premier institute should be taken to be equivalent to the minimum wages admissible to an unskilled worker. Students recruited through campus interviews are atleast offered a sum of Rs.20,000/- per month. Even if we do not go on the said basis, the High Court could have fixed the notional income atleast at Rs.10,000/- per month.

14. Therefore, in the facts and circumstances of the case, and by exercising our power under Article 142 of the Constitution of India, we take the notional monthly income of the appellant as Rs.10,000/ per month.”

8. In the present facts, the accident took place in the year 2012. Hence, reliance can be placed on *Harpreet Singh* (supra). In the attending facts, taking the notional income to be Rs.10,000/- per month, the compensation to be awarded would be recomputed in the following terms :-

<b>Heads</b>	<b>Final compensation</b>
Income	Rs.10,000/-
Annual income	Rs.1,20,000/-
70% of annual income (permanent disability)	Rs.84,000/-
Annual income after adding 40% future prospects	Rs.1,17,600/- (84,000 + 33,600)
Multiplier	18
Loss of income	Rs.21,16,800/-
Medical expenses	Rs.5,69,303/-
Attendant charges	Rs.50,000/-

Loss of amenities/prospects of marriage	Rs.5,00,000/-
Pain and suffering	Rs,2,00,000/-
Special diet	Rs.20,000/-
Disability	-
Enhancement	<b>Rs.10,65,384/-</b>
<b>Total</b>	<b>Rs.34,56,103/- @ 7.5%</b>

9. The total amount comes to Rs.34,56,110/- as also interest @ 7.5% per annum shall be awarded from the date of filing of the claim petition before the learned Tribunal, but will exclude the 642 days delay period, in preferring the appeal before this Court.

10. The appeal is allowed as aforesaid. Pending application(s), if any, shall stand disposed of accordingly.

.....J.  
[SANJAY KAROL]

.....J.  
[MANMOHAN]

**February 10, 2025;**  
**New Delhi.**