



36, Chandigarh on the dividing road of Sector 36 and 23, a car bearing Regn. No.CH-01-BD-9045 (hereinafter referred to as “the offending vehicle”), being driven by respondent No.1 (Baljinder Singh) in a rash and negligent manner and at a very high speed came from the side of Kissan Bhawan Chowk and struck against their motorcycle. As a result of the impact, they both fell on the road and the head of Mamta struck against the boundary of the road. They were taken to GMSH Sector-16 where Mamta was declared brought dead.

4. FIR No.423 dated 04.12.2018 under Sections 279, 337, 304A IPC was registered at Police Station Sector 36, Chandigarh.

5. It was averred that Mamta (hereinafter referred to as “the deceased”) was 26 years old at the time of her death and had applied for the post of the Counselor in Education Department. Her monthly income was claimed to be Rs.50,000/- per month. Accordingly, a sum of Rs.75 lakhs was claimed as compensation.

6. The driver-cum-owner of the offending vehicle filed his written statement and denied the factum of the accident.

7. The insurance company of the offending vehicle raised its usual defences in the written statement and denied the factum of the accident. It was also averred that the driver was not holding a valid driving licence.

8. From the pleadings of the parties, following issues were framed:

“1. Whether deceased Mamta died in a motor vehicular accident which took place on 4.12.2018 at about 9:15 am due to rash and negligent driving of Car no. CH-01-BD-9045 by respondent no. 1? OPP

2. Whether the claimants are entitled to compensation, on account of death of Mamta? If yes,



from whom and to which extent?OPP

3. Whether the driver of the offending vehicle was not holding a valid driving licence at the time of accident and has violated the terms and conditions of the Insurance Policy, if so its effect?OPR

4. Relief.”

9. Parties led their respective evidence.

10. The MACT held that the accident as a result of which Mamta had expired, had taken place on account of the rash and negligent driving of the offending vehicle by its driver.

11. The age of the deceased was assessed as 26 years. Her income was assessed as Rs. 10,000/- per month and after applying the multiplier of ‘17’ in terms of the law laid down by the Apex Court in the case of *Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121*, the following compensation was awarded by the MACT:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	26 years
2.	Income of the deceased	Rs. 10,000/- per month Rs.1,20,000/- per annum
3.	After applying future prospects @ 40%	Rs. 1,68,000/- per annum
4.	1/2 deduction towards personal expenses	Rs.84,000/- per annum
5.	Actual loss of income	Rs.84,000/- per annum
6.	Multiplier of “17”	Rs.84,000/- x 17 Rs.14,28,000/-
7.	Funeral expenses	Rs.15,000/-
8.	Loss of Estate	Rs.15,000/-
Total Compensation		Rs.14,58,000/-

12. I have heard learned counsel for the parties.

13. Learned counsel for the appellants submits that the deceased was holding a Masters of Arts degree in Psychology. At the time of accident,



she was doing diploma of PGDGC (Post Graduate Diploma in Guidance and Counseling) from Dev Samaj College of Education, Sector-36, Chandigarh. He further submits that keeping in view the educational qualification of the deceased and the bright prospects of her career, which were curtailed by her unfortunate death in the accident in question, the MACT ought to have assessed her notional income on the higher side, whereas, the same was assessed as Rs.10,000/-. Reliance is placed upon ***Basanti Devi and another Vs. Divisional Manager, New India Assurance Co. Ltd. and others, 2020 ACJ 823*** and ***Joginder Singh and another Vs. ICICI Lombard General Ins. Co. Ltd., 2019 ACJ, 2783,***

13.1 He also submits that though the MACT awarded compensation on account of funeral expenses and loss of estate but no amount has been awarded towards consortium. It is also submitted that in view of the law laid down by the Apex Court in the cases of ***National Insurance Company Limited vs. Pranay Sethi and others, (2017)16 SCC 680*** and ***Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121*** an amount of Rs. 40,000/- each, ought to have been awarded to the appellants.

14. Per contra, learned counsel for respondent No.2-Insurance Company, submits that there is no illegality in the impugned award passed by the MACT. It is further argued that though the deceased was possessing the aforesaid qualification yet the fact remains that as on the date of the accident, she was unemployed and therefore, the MACT rightly assessed her notional income as Rs.10,000/-. He however, does not dispute the ratio laid down by the Apex Court in ***Pranay Sethi's case (supra)*** and ***Sarla Verma's case (supra)*** as regards the consortium.

15. I have considered the submissions made by learned counsel for



the parties.

16. There is no denying to the fact that the deceased was highly qualified inasmuch as she possessed the educational qualification of Masters of Arts in Psychology. At the time of accident, she was pursuing the course of PGDGC (Post Graduate Diploma in Guidance and Counseling) from Dev Samaj College of Education, Sector-36, Chandigarh. From the said undisputed factual position on record, one can safely say that the deceased was having bright prospects in life, which were scuttled by her untimely demise in the accident in question.

17. In *Basanti Devi's (supra)*, the age of the deceased at the time of the accident, which took place on 10.03.2011, was 25 years and the deceased was Bachelor of Engineering in Computer Technology. Under these circumstances, the Apex Court, while setting aside the decision of the High Court in reducing the compensation, restored the award of the Tribunal in assessing the potential income of the deceased as Rs.20,000/- per month.

18. In *Joginder Singh's (supra)*, the deceased was a young student of 20 years undergoing Air Hostess Training. The accident in the said case took place on 10.09.2009. The Apex Court upheld the notional income of the deceased assessed by the Tribunal as Rs.15,000/-.

19. In the instant case, the accident took place on 04.12.2018 and as noticed above, the deceased was 26 years of age having bright career prospects. This Court finds that the notional income of Rs.10,000/- assessed by the MACT is totally on the lower side. Even, a skilled professional having the aforesaid qualification can easily find employment with monthly emoluments of more than Rs.20,000/-. Thus, taking into consideration the totality of the facts and circumstances and the law laid down by the Apex Court in the aforesaid judgments, this Court deems it fit to assess the



notional income of the deceased as Rs.20,000/- per month.

20. Though the MACT discussed the factum of entitlement of the consortium to the claimants but no amount was awarded under the said head. Thus, in view of the law laid down by the Apex Court in *Pranay Sethi's case (supra)*, the appellants are entitled to an amount of Rs.80,000/- (Rs.40,000/- each) as consortium.

21. Accordingly, the compensation assessed by this Court is as under:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	26 years	No change
2.	Income of the deceased	Rs. 10,000/- per month Rs.1,20,000/- per annum	Rs.20,000/- per month Rs. 2,40,000/- per annum
3.	After applying future prospects @ 40%	Rs. 1,68,000/- per annum	Rs. 3,36,000/- per annum
4.	1/2 deduction towards personal expenses	Rs.84,000/-	Rs.1,68,000/-
5.	Actual loss of income	Rs.84,000/- per annum	Rs.1,68,000/- per annum
6.	Multiplier of "17"	Rs.84,000/- x 17 Rs.14,28,000/-	Rs.1,68,000/- x 17 Rs.28,56,000/-
7.	Funeral expenses	Rs.15,000/-	No Change
8.	Loss of Estate	Rs.15,000/-	No Change
9.	Loss of Consortium	Nil	Rs.80,000/- (Rs.40,000/- x 2)
Total Compensation		Rs.14,58,000/-	Rs.29,66,000/-

22. The total compensation, therefore, comes to Rs.29,66,000/- After deducting a sum of Rs.14,58,000/- as assessed by the MACT, the balance compensation comes to **Rs.15,08,000/-**. This amount would be



payable in addition to the amount assessed by the learned MACT along with interest @ 7.5% annually. The disbursal and liability to pay the same would be as per the award.

23. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

April 20, 2026
Mani Kumar

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No