

Deepak Singh Alias Deepak Chauhan vs Mukesh Kumar on 10 February, 2025

Author: Sanjay Karol

Bench: Sanjay Karol, Prashant Kumar Mishra

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). OF 2025
(Arising out of SLP(C)No...../2025 @ Diary No.236/2024)

DEEPAK SINGH ALIAS
DEEPAK CHAUHAN

...

APPELLANT(S)

VERSUS

MUKESH KUMAR & ORS.

...

RESPONDENT(S)

JUDGMENT

SANJAY KAROL, J.

Delay condoned.

Leave Granted.

2. This appeal is at the instance of the claimant-appellant, who is aggrieved by the order and judgment of the High Court of Punjab and Haryana at Chandigarh in FAO No.4651 of 2014 (O&M) dated 9 th January, 2020. The appeal before the High Court was drawn against the judgment and order dated Motor Accident Claims Tribunal, Gurgaon, in MACT Case No.3 of 8 th January, 2013, passed on 25th September, 2013¹.

¹ Hereafter, “MACT”

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

On 12th 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 13th October, 2012, was registered.

The Claimant-Appellant filed the claim petition on 7th 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 Kumar² 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 th 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) 2 (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 :-

Income	Heads	Final compensation 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)
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		Rs.10,65,384/-
Total		Rs.34,56,103/- @ 7.5%

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.