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

FAO-1770-2025 (O&M)

Date of Decision : 22.09.2025

Barhma @ Birma Devi & Anr

... Appellant(s)

Versus

Dr. Naveen & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajesh Kumar Dhankhar, Advocate for the appellants.

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

ALKA SARIN, J. (Oral)

CM-5576-CII-2025

1. For the reasons mentioned therein, the application seeking condonation of delay of 66 days in filing the appeal is allowed and the delay of 66 days in filing the appeal is condoned.

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2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Charkhi Dadri, (hereinafter referred to as 'Tribunal') vide the impugned award dated 26.09.2024 in a motor vehicle accident which occurred on 08.02.2020.

3. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

4. The Tribunal in the present case had awarded the following

compensation :

Sr.No.	Heads	Compensation Awarded
1	Monthly Income	₹9,319/-
2	Future Prospects - 40%	₹13,047/- [₹9,319 + ₹3,728]
3	Annual Income	₹1,56,564/- [₹13,047 x 12]
4	Deduction - 50%	₹78,282/- [₹1,56,560 - ₹78,282]
5	Multiplier - 18	₹14,09,076/- [₹78,282 x 18]
6	Loss of estate	₹15,000/-
7	Funeral expenses	₹15,000/-
8	Loss of consortium	₹40,000/-
	Total Compensation	₹14,79,076/-
	Interest	6%

5. Learned counsel for the claimant-appellants would contend that he does not challenge the future prospects, deduction and multiplier as applied by the Tribunal. He, however, states that the Tribunal has erred in assessing the income of the deceased as per the minimum wage for an unskilled worker i.e. ₹9,319/- per month inasmuch as the deceased in the present case was a young boy of 18 years and had completed his 10th Class and had a very bright future ahead, hence, the income of the deceased ought to have been assessed as per the minimum wage of a skilled worker which was ₹10,788/- per month. Learned counsel for the claimant-appellants would further contend that the compensation awarded under the conventional heads as well as under the head ‘loss of consortium’ is not in accordance with the law laid down by the Hon’ble Supreme Court. In support of his contentions, he 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. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

6. Learned counsel for respondent No.2-Insurance Company has contended that the income of the deceased as assessed by the Tribunal is on the higher side. He has further submitted that in any case there is no scope of any enhancement.

7. I have heard the learned counsel for the parties.

8. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, the deceased was a young boy of 18 years of age and had completed Class 10. The Tribunal has assessed the income of the deceased as ₹9,319/- per month which in the opinion of this Court is erroneous inasmuch as admittedly the deceased was a boy of 18 years of age and had also completed his 10th Class, hence, his income ought to have been assessed as per the minimum wage as applicable to a skilled worker. Hon'ble Supreme Court in the case of **Karuna Parmar Vs. Prakash Sinha & Ors. [Civil Appeal No.2317 of 2025 arising out of SLP (C) No.6428 of 2023 decided 11.02.2025]**, while relying on **Baby Sakshi Greola Vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]**, awarded the compensation in the case of a 6 years' old child who had died in an accident which occurred on 07.03.2014 as per the minimum wages applicable for a skilled worker in the year 2014.

9. In a recent judgment the Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr. [2025 INSC 1070]** has held as under :

“9. On the aspect of monthly income of the minor appellant, we are inclined to interfere with the judgment and order of the Courts below. In the present case, it is evident that the Courts below have failed to take into account the monthly income of the appellant while

determining the quantum of compensation. It is now a well-entrenched and consistently reiterated principle of law that a minor child who suffers death or permanent disability in a motor vehicle accident, cannot be placed in the same category as a non-earning individual for the purposes of assessing the amount of compensation because the child was not engaged in gainful employment at the time of the accident. In such a case, the computation of compensation under the head of loss of income ought to be made by adopting, at the very least, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises. The said observation was rendered by this Court, in Kajal Vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27], and of Baby Sakshi Greola Vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238].”

10. Their Lordships in the above referred cases applied a multiplier of ‘18’ besides granting future prospects and compensation under the other heads. Taking a cue from the afore-referred judgments, this Court deems it appropriate to assess the income as per the minimum wage for a skilled worker as applicable in February 2020 as the accident took place on 08.02.2020. The minimum wage prevailing in Haryana in February 2020 was ₹10,788/- per month. Hence, the income of the deceased is assessed as ₹10,788/- per month.

11. Since no challenge has been laid by the learned counsel for the claimant-appellants to the future prospects, deduction and multiplier as applied by the Tribunal, the same are maintained accordingly. Further, the compensation awarded under the conventional heads and under the head ‘loss of consortium’ is not 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), hence, the claimants would be

entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimants (parents of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹10,788/-
2	Annual Income	₹1,29,456/- [₹10,788 x 12]
3	Deduction - 50%	₹64,728/- [₹1,29,456 - ₹64,728]
4	Future Prospects - 40%	₹90,620/- [₹64,728 + ₹25,892]
5	Multiplier - 18	₹16,31,160/- [₹90,620 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial [₹48,000/- x 2]	₹96,000/-
	Total Compensation	₹17,63,160/-

12. 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.
13. In view of the decision by the Hon’ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants within six weeks from today and the apportionment thereof shall be as per the direction of the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification

thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

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

22.09.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO