

**IN THE HIGH COURT OF P UNJAB AND HARYANA AT CHANDIGARH****103-1****FAO-631-1999 (O&M)****Date of Decision : 03.04.2025**

Bipin Meena and Another

....Appellants

VERSUS

Jai Pal and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajinder Goel, Advocate for the appellants.

Ms. Manvi Arora, Advocate for

Mr. Rakesh Gupta, Advocate for respondent No.1.

Mr. Man Mohan, Advocate for

Mr. Suman Jain, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'Tribunal') vide the impugned award dated 09.11.1998 on account of death of Vikram Meena (hereinafter referred to as the 'deceased') in a motor vehicle accident which occurred on 26.09.1996.

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

3. The Tribunal has awarded a lump sum amount of ₹1,25,000/- on account of compensation and in addition an amount of ₹10,000/- towards medical expenses, totaling ₹1,35,000/-.

4. Learned counsel for the claimant-appellants would contend that

the Tribunal has only awarded a lump sum amount of ₹1,25,000/- towards compensation and in addition ₹10,000/- towards medical expenses. Learned counsel for the claimant-appellants would further contend that the deceased was 18 years of age and was a student of Class 10+2 (Medical Stream) and had a very bright future ahead. The deceased was also a good athlete and used to participate in cricket, cycle race and was also awarded prizes for his extra-curricular activities and hence the Tribunal ought to have assessed his monthly income as per the minimum wages for a skilled worker prevailing at the relevant point of time. It is further the contention that the Tribunal has not applied any multiplier, deduction and addition towards loss of future prospects and has also not awarded any amount under the conventional heads as well as under the head 'loss of consortium'. In support of his contentions, he has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**, **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. Learned counsel for respondent No.3-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.

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

7. In the present case the deceased was 18 years of age and was studying in Class 10+2 (Medical Stream) at the time of the accident. He also used to participate in games i.e. cricket, cycling etc. The Tribunal has not assessed his monthly income. Hon'ble Supreme Court in the case of **Kajal Vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]** while assessing the income of a minor aged 12 who had suffered 100% disability had assessed the income of the child as per the minimum wages payable to a skilled worker as prevailing at the time of the accident. Their Lordships in para 20 of the said judgment had held as under :

“20. Both the courts below have held that since the girl was a young child of 12 years only notional income of Rs.15,000/- per annum can be taken into consideration. We do not think this is a proper way of assessing the future loss of income. This young girl after studying could have worked and would have earned much more than Rs.15,000/- per annum. Each case has to be decided on its own evidence but taking notional income to be Rs.15,000/- per annum is not at all justified. The appellant has placed before us material to show that the minimum wages payable to a skilled workman is Rs.4846/- per month. In our opinion this would be the minimum amount which she would have earned on becoming a major. Adding 40% for the future prospects, it works to be Rs.6784.40/ - per month, i.e., 81,412.80 per annum. Applying the multiplier of 18 it works out to Rs.14,65,430.40, which is rounded off to Rs.14,66,000/-.”

Their Lordships had applied 40% towards future prospects and a multiplier of 18.

8. Similarly, in the case of **Baby Sakshi Greola Vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]** where the incident related to a 7 years' old child, who met with an accident in the year 2009, the Court had once again assessed the income of the minor child, who had suffered injuries, as per the minimum wages applicable to a skilled worker. In para 29 of the said judgment it was held as under :

“29. This Court in the case of Kajal (supra) has held that taking notional income is not the correct approach. Instead, the minimum wages payable to a skilled workman in the concerned State has to be taken into consideration because, that would be the minimum amount which she would have earned on becoming a major. In this case, the minimum wage payable to a skilled workman in the State of Delhi at the time of the accident, i.e., 2nd June 2009, was Rs.4,358/- per month.”

Their Lordships had in the said case also, as in the case of **Kajal** (supra), added 40% towards future prospects and applied a multiplier of 18. Taking a cue from the two afore-referred judgments, the deceased who was 18 years of age in the present case and was Class 10+2 student, this Court deems it appropriate to assess the income of the deceased as per the minimum wages for a skilled worker as applicable in September 1996 in the State of Haryana as ₹1,437/- per month.

9. The deceased in the present case was 18 years of age and hence, a deduction of 50% would be applicable and a multiplier of '18' ought to have been applied keeping in view the law laid down by the Hon'ble Supreme Court in the cases of **Sarla Verma** (supra) and **Pranay Sethi** (supra). The claimant-appellants would also be entitled to an addition of

40% towards loss of future prospects in view of the law laid down by the Hon’ble Supreme Court in the case of **Pranay Sethi** (supra). Further, the Tribunal has not awarded any amount under the conventional heads as well as under the head ‘loss of consortium’ and 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 and the claimant-appellants (parents of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of filial consortium. The amount of ₹10,000/- awarded by the Tribunal towards medical expenses is maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded	
1	Monthly Income	₹1,437/-	
2	Annual Income	₹17,244/-	[₹1,437 x 12]
3	Deduction - 50%	₹8,622/-	[₹17,244 – 8,622]
4	Future Prospects - 40%	₹12,071/-	[₹8,622 + 3,449]
5	Multiplier - 18	₹2,17,278/-	[₹12,071 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/-	
9	Medical expenses as awarded by the Tribunal	₹10,000/-	
	Total Compensation	₹3,59,278/-	

10. 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.

11. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : Civil Appeal No.4299 of 2025 arising out of SLP (C) No.4484 of 2020 decided on 18.03.2025]**, 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. 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.

12. 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.

03.04.2025
jk

(ALKA SARIN)
JUDGE

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