

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****124****FAO-1645-2024(O&M)****Date of decision: 29.10.2025****Neetu & Another****...Appellant(s)****Vs.****Satbir Singh & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. P.S. Chauhan, Advocate
Ms. Manita Dalla, Advocate
Mr. Rahul Sangwan, Advocate
for the appellants.

Mr. Nigam K. Bhardwaj, Advocate
for respondent No.2.

*********NIDHI GUPTA, J.**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.6,06,000/- awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter 'the learned Tribunal') vide Award dated 11.01.2024 passed in MACP/225 dated 13.04.2023 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 2 claimants are the parents of deceased Tushar, who was 12 years old at the time of accident.



2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Tushar had died due to the injuries suffered by him in a motor vehicular accident that took place on 26.03.2023 at about 10:15 am due to the rash and negligent driving of the Pick-up bearing registration No.HR-47D-4933 (hereinafter “the offending vehicle”) being driven and owned by respondent No.1, and insured by respondent No.2. The aforesaid compensation has been awarded along with interest of 6% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that in computing the compensation payable to the appellants, the learned Tribunal has failed to award anything by way of future prospects. Even no consortium has been awarded. The amounts granted for transportation and funeral expenses are on the lower side. Rate of interest is also on the lower side. In support, learned counsel for the appellants relies upon judgments of Hon’ble Supreme Court in **Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari, (SC) : Law Finder Doc ID # 2772904**; **Karuna Parmar v. Prakash Sinha, (SC) : Law Finder Doc ID # 2708996**; and judgment of this Court in **Guddi v. Rohtas, (Punjab And Haryana) : Law Finder Doc ID # 2776711**.



4. Per contra, learned counsel for respondent No.2 Insurance Company vehemently opposes the submissions made on behalf of the appellants and submits that the impugned Award suffers from no error; and prays for dismissal of the appeal.

5. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail.

6. Perusal of record of the case shows that it was the pleaded case of the claimants/parents of the deceased that the deceased was 12-year-old student of 8th class at the time of accident. It was further pleaded that the deceased was earning Rs.15,000/- per month by selling milk; that Rs.3,50,000/- was spent on his treatment, special diet, etc. Learned Tribunal had taken income of the deceased child as Rs.30,000/- per annum on the basis of judgment of the Hon'ble Supreme Court in **Kishan Gopal and Another Vs. Lala and Others 2013 ACJ 2594, Law Finder Doc ID # 477190**. Contention of the appellants that deceased was earning Rs.15,000/- per month was rejected as no documentary evidence was produced to support the same. By applying multiplier of 15, compensation was calculated to be Rs.4,50,000/-. Age of the deceased was taken to be 12 years on the basis of Post-Mortem Report (Ex.P13). The learned Tribunal had further awarded Rs.15,000/- towards transportation and funeral expenses; Rs.15,000/- towards loss of estate and Rs.1,26,000/- towards medical expenses on the



basis of the bills (Ex.P2 to Ex.P11) produced by the appellants; thereby granting total compensation of Rs.6,06,000/-.

7. It has been contended by learned counsel for the appellants that in terms of judgment in **Hitesh Nagjibhai Patel (supra)**, **Karuna Parmar (supra)** of Hon'ble Supreme Court and **Guddi (supra)** of this Court, an addition towards future prospects is also required to be made and consortium was also required to be granted. In the said case of **Hitesh Nagjibhai Patel (supra)**, the claimant was 8-year-old child who had suffered 90% permanent functional disability. Although the said case was of injury, yet Hon'ble Supreme Court held in Para 9 as follows:-

“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 v. Jagdish Chand and Ors., (2020) 4 SCC 413, and Baby Sakshi Greola v. Manzoor Ahmad Simon and Anr, 2024 SCC Online SC 3692.”

8. Even the case cited by learned counsel for the appellants in **Karuna Parmar (supra)**, in Para 14 thereof, it was observed as follows:-

“14. Coming to the case of the deceased child, we are not inclined to accept the reasoning of the Tribunal on the yearly income. Recently, in Baby Sakshi Greola v. Manzoor Ahmad Simon and Another 2024 SCC Online SC 3692, J. B.R. Gavai, writing for the bench, has elaborated that:

"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."

(Emphasis supplied)

9. Thus, keeping in view the above said legal position, compensation payable to the appellants is re-assessed in the following manner:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.30,000/- per annum	Rs.12,193/- per month
Addition of future prospects		(40%) Rs.4,877/- per month
Total income		Rs.17,070/- per month



Deduction		(1/2) Rs.8,535/- per month
Multiplier	15	Rs.8,535/- x 12 x 15
Total loss of dependency		Rs.15,36,300/-
Medical expenses	Rs.1,26,000/-	Rs.1,26,000/-
Transportation and funeral expenses	Rs.15,000/-	Rs.18,150/-
Loss of estate	Rs.15,000/-	Rs.18,150/-
Loss of consortium		Rs.96,800/- (Rs.48,400/- x 2)
Total compensation	Rs.6,06,000/-	Rs.17,95,400/-
Interest	6%	6%

10. The present appeal accordingly stands **partly allowed** in above terms.

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

29.10.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No