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

FAO-3806-2024 (O&M)

Date of Decision : 16.09.2025

Ramvati

... Appellant(s)

Versus

Mohammad Ramjan & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Neeraj Khanna, Advocate for the appellant.

Service of respondent No.1 dispensed with
vide order dated 21.04.2025.

Mr. Pradeep Kumar, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

CM-13925-CII-2024

1. For the reasons mentioned therein, the application seeking condonation of delay of 67 days in filing the appeal is allowed and the delay of 67 days in filing the appeal is condoned.

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2. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, SAS Nagar, Mohali (hereinafter referred to as 'Tribunal') vide the impugned award dated 04.12.2023 in a motor vehicle accident which occurred on 19.04.2022.

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	Notional income	₹30,000/- per annum
2	Multiplier of 14	[₹30,000 x 14] = ₹4,20,000/-
3	Funeral expenses	₹15,000/-
4	Loss of estate	₹15,000/-
5	Love and affection	₹50,000/-
	Total Compensation	₹5,00,000/-
	Interest	7% per annum

5. Learned counsel for the claimant-appellant would contend that the amount of compensation awarded by the Tribunal is on the lower side inasmuch as the Tribunal has assessed the notional income of the deceased as ₹30,000/- per annum only and has applied a multiplier of 14. It is further the contention of the learned counsel that the Tribunal has also not applied any deduction nor made any addition towards loss of future prospects. It is further the contention of the learned counsel 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. Learned counsel has relied upon the judgements of the Hon’ble Supreme Court in the cases of **Baby Sakshi Greola Vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]** and **Kajal Vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]** to contend that though these are injury cases, however, in both cases a minor was involved and the income was assessed as that of a skilled worker and a multiplier of ‘18’ was also applied. Further, reliance has been placed on 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. Cholanmandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642].

6. Learned counsel for respondent No.2 would contend that sufficient amount of compensation has already been awarded and there is no scope of any enhancement.

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

8. In the present case vide the impugned award the Tribunal has awarded a compensation of ₹5,00,000/-. The same in the opinion of this Court is erroneous inasmuch as admittedly the deceased was a 6 years' old child and the income ought to have been assessed as per the minimum wage as applicable to a skilled worker with a multiplier of '18'. 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** (supra), 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 wage 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 April 2022 as the accident took place on 19.04.2022. The minimum wage prevailing in Punjab in April 2022 was ₹11,219/- per month. A multiplier of ‘18’ is also applicable in the present case.

11. Since no addition has been made towards loss of future prospects, an addition of 40% ought to have been applicable. Further, keeping in view the age of the child, 50% deduction would be applicable as held by the Hon’ble Supreme Court in the cases of **Bishnupriya Panda vs. Basanti Manjari Mohanty & Anr. [2023(4) TAC 44]** and **Kandasami & Ors. vs. Lindabriyal & Anr. [2023(3) TAC 30]**. 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 claimant 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 (mother of the deceased) would also be entitled to ₹48,000/- (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹11,219/-
2	Annual Income	₹1,34,628/- [₹11,219 x 12]
3	Deduction - 50%	₹67,314/- [₹1,34,628 - ₹67,314]
4	Future Prospects - 40%	₹94,240/- [₹67,314 + ₹26,926]
5	Multiplier - 18	₹16,96,320/- [₹94,240 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial [₹48,000/- x 1]	₹48,000/-
	Total Compensation	₹17,80,320/-

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 of the claimant within six weeks from today. The particulars of the bank account alongwith the requisite documents in support thereof shall be furnished by the claimant 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.

16.09.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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