



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-59-2022 (O&M)
Date of Decision : 17.10.2025

Krishna & Ors ... Appellant(s)
Versus
Gobind Godara & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Narender Kaajla, Advocate for the appellants.
Mr. Vinod Chaudhri, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Hisar (hereinafter referred to as ‘Tribunal’) vide the impugned award dated 12.08.2021 in a motor vehicle accident which occurred on 21.04.2019.
2. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.
3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹10,000/-
2	Annual Income	₹1,20,000/- [₹10,000 x 12]
3	Future Prospects - 40%	₹1,68,000/- [₹1,20,000 + ₹48,000]
4	Deduction - 50%	₹84,000/- [₹1,68,000 - ₹84,000]
5	Multiplier - 18	₹15,12,000/- [₹84,000 x 18]
6	Loss of estate	₹15,000/-

7	Funeral expenses	₹15,000/-
8	Filial consortium	₹40,000/-
	Total Compensation	₹15,82,000/-
	Interest	6%

4. Learned counsel for the claimant-appellants states that he does not challenge the deduction, future prospects and multiplier as applied by the Tribunal. He, however, states that the Tribunal has erred in assessing the income of the deceased as ₹10,000/- per month inasmuch as the deceased in the present case was a young boy of 16 years and was a student of 10+2 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. 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 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]**.

5. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that the income of the deceased has rightly been assessed. It is further the contention that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

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

7. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, the deceased was a young boy of 16 years of

age and was a student of 10+2 Class. The Tribunal has assessed the income of the deceased as ₹10,000/- per month which in the opinion of this Court is erroneous inasmuch as admittedly the deceased was a boy of 16 years of age and was a student of 10+2 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.

8. 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].”

In para 15 of the aforesaid judgment, their Lordships further held as under:

“ 15. For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matrix of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court’s interference, applying well-established principles of law.”

9. 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 2019 as the accident took place on 21.04.2019. The minimum wage prevailing in Haryana in April 2019 was

₹10,218/- per month (rounded off to ₹10,500/- per month). Hence, the income of the deceased is assessed as ₹10,500/- per month.

10. 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 (mother, brother and sister 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	₹10,500/-
2	Annual Income	₹1,26,000/- [₹10,500 x 12]
3	Deduction - 50%	₹63,000/- [₹1,26,000 - ₹63,000]
4	Future Prospects - 40%	₹88,200/- [₹63,000 + ₹25,200]
5	Multiplier - 18	₹15,87,600/- [₹88,200 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (ii) Filial [₹48,000/- x 3]	₹1,44,000/-
	Total Compensation	₹17,67,600/-

11. 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. The

claimant-appellant Nos.2 and 3 shall be entitled to only the filial consortium ₹48,000/- each.

12. 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.

13. 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.

17.10.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

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