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

FAO-4423-2023 (O&M)

Date of Decision : 17.11.2025

ANUPMA SOOD AND ANR

.... Appellants

VERSUS

SHAM LAL AND OTHERS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : None for the appellants.

Mr. Lalit Garg, Advocate for respondent no.3.

ALKA SARIN, J. (ORAL)

CM-14836-CII-2023

1. None had put in appearance on behalf of the claimant-appellants on the previous date despite the matter being called twice. The matter was adjourned to today and was ordered to be shown in the urgent list.
2. Today again none has put in appearance on behalf of the claimant-appellants despite the matter being called twice since morning.
3. This is an application for condonation of delay of 266 days in filing the appeal.
4. For the reasons stated in the application, delay of 266 days in filing the appeal is condoned. CM stands disposed off. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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5. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as the ‘Tribunal’) vide award dated 08.08.2022.

6. In the accident which took place on 26.05.2020, three people had lost their lives. Claimants in two cases have preferred separate appeals being FAO-5413-2022 titled as ‘Lakhvir Singh & Anr. V/s Sham Lal & Ors.’ and FAO-5430-2022 titled as ‘Manjit Singh & Ors. V/s Sham Lal & Ors.’ which were decided by this Court on 29.10.2025. In the present case the deceased was a 19-year-old boy whose school leaving certificate had been produced on the record.

7. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,179
2.	Future prospects @ 40%	[₹9,179 + ₹3,671] = ₹12,850
3.	Deduction 1/2	[₹12,850 - ₹6,425] = ₹6,425
4.	Annual income	[₹6,425 x 12] = ₹77,100
5.	Multiplier of 18	[₹77,100 x 18] = ₹13,87,800
6.	Funeral expenses	₹16,500
7.	Loss of estate	₹16,500
8.	Loss of consortium	₹88,000[₹44,000 x 2]
	Total Compensation	₹15,08,800
	Interest	@ 7.5% per annum

8. The Tribunal had assessed the income of the deceased as ₹9,179 per month as per the minimum wages applicable to an unskilled worker.

Though the deduction, the addition made towards future prospects and the multiplier has correctly been applied by the Tribunal, however the amounts awarded under the conventional heads i.e. funeral expenses and loss of estate and under the head loss of consortium are 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]**.

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

10. Heard.

11. The deceased in the present case was 19 years of age, and the Tribunal had assessed his income as per the minimum wages applicable to an unskilled worker. The argument of the learned counsel for respondent No.3 that the income of the deceased has correctly been assessed as that of an unskilled person deserves to be rejected. The Hon'ble Supreme Court in the case of **Baby Sakshi Greola vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]**, while relying upon the case of **Kajal vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]**, assessed the notional income of a 7-year-

old child, who had received injuries, on the basis of minimum wages payable to a skilled worker. Still further, the Hon'ble Supreme Court recently in the case of **Karuna Parmar vs. Prakash Sinha & Ors. [2025 (1) TAC 730]**, yet again relying on **Baby Sakshi Greola** (supra), awarded the compensation in the case of a 6-year-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. The minimum wages of a skilled worker at the time of the accident, i.e. 26.05.2020 were ₹10,855 per month. Hence, the income of the deceased is assessed as ₹10,855 per month. Since there is no challenge to the deduction, the addition made towards future prospects and the multiplier as applied by the Tribunal, the same are upheld.

12. Further, the amounts awarded under the conventional heads and under the head loss of consortium are not in consonance with the law laid down by the Hon'ble Supreme Court. 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. The claimant-appellants, being the parents of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) under the head filial consortium.

13. Accordingly, the reworked compensation to which the claimant-appellants are entitled is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹10,855
2.	Annual income	[₹10,855 x 12] = ₹1,30,260
3.	Deduction 1/2	[₹1,30,260 - ₹65,130] = ₹65,130
4..	Future prospects @ 40%	[₹65,130 + ₹26,052] = ₹91,182
5.	Multiplier 18	[₹91,182 x 18] = 16,41,276
6.	Loss of estate	₹18,000
7.	Funeral expenses	₹18,000
8.	Loss of Consortium : (ii) Filial	[₹48,000 x 2] = ₹96,000
	Total Compensation	₹17,73,276

14. 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 amount shall be apportioned between the claimant-appellants as directed by the Tribunal. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

15. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 (SC) 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank accounts of the claimant-appellants within a period of six weeks from today. The particulars of the bank accounts along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent No.3-Insurance company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four

weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

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

17.11.2025

Aman Jain

NOTE:

(ALKA SARIN)

JUDGE

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No