

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****FAO-1182-2021 (O&M)****Date of Decision : 17.09.2025**

Navraj Pandey and Anr

... Appellants

Versus

Bharat Lal and Ors

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arun Kumar Goyat, Advocate
Amicus Curiae and
Mr. Raman Kumar Advocate for
Mr. Yashdev Kaushik, Advocate for the appellants.

Mr. Punit 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, Faridabad (hereinafter referred to as the 'Tribunal') vide award dated 16.10.2020 on account of death of Anurag Pandey (hereinafter referred to as the 'deceased').

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. In the present case, the Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Annual income	₹40,000/-
2	Multiplier – 18	[₹40,000 x 18] = ₹7,20,000/-
3	Loss of estate	₹15,000/-
4	Funeral expenses	₹15,000/-
5	Loss of consortium	₹40,000/-
6	Medical bills	₹35,228/-
	Total Compensation	₹8,25,228/-
	Interest	7.5% per annum

4. Learned counsel for the claimant-appellants would contend that though he does not challenge the multiplier as assessed by the Tribunal, however, he has contended that while computing the amount of compensation the Tribunal has erroneously assessed the annual income of the deceased as ₹40,000/- and has also not made any addition towards loss of future prospects. Further, the compensation awarded by the Tribunal under the conventional heads as well as under the head ‘loss of consortium’ is also not in consonance with the law laid down by 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 Hon’ble Supreme Court in 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]**.

5. Learned counsel for respondent No.3 would contend that sufficient amount of compensation has already been awarded and 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. Since there is no challenge to the multiplier as applied by the Tribunal, the same is maintained. In the present case, vide the impugned award the Tribunal has assessed the annual income of the deceased as ₹40,000/- which in the opinion of this Court is erroneous inasmuch as admittedly the deceased was a boy of 15 years of age and his income ought to have been assessed as per the minimum wages 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** (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 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].”

9. Their Lordships in the above referred cases granted the 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 wages for a skilled worker as applicable in February 2017 as the accident took place on 09.02.2017. The minimum wages prevailing in Haryana in February 2017 were ₹9,585/- per month.

10. 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 deceased, 50% deduction would be applicable as held by the Hon’ble Supreme Court in the cases of **Bishnupriya Panda vs. Basanti Manjari Mohanty & Anr.** [Civil Appeal No.4911 of 2023 decided

on 04.08.2023] and **Kandasami & Ors. vs. Lindabriyal & Anr. [Civil Appeal No.3125 of 2023 decided on 24.04.2023]**. Further, 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 further to an amount of ₹48,000/- each (₹40,000+20% increase) towards loss of filial consortium. The amount of ₹35,228/- awarded by the Tribunal towards medical bills is maintained.

11. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹9,585/-
2	Annual Income	₹1,15,020/- [₹9,585 x 12]
3	Deduction - 50%	₹57,510/- [₹1,15,020 - ₹57,510]
4	Future Prospects - 40%	₹80,514/- [₹57,510 + ₹23,004]
5	Multiplier - 18	₹14,49,252/- [₹80,514 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 Bills as awarded by the Tribunal	₹35,228/-
	Total Compensation	₹ 16,16,480/-

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(s) of the claimants within six weeks from today and the apportionment thereof shall be as per the percentage directed by the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimant-appellants 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 award passed by the Tribunal is modified and the present appeal stands allowed accordingly. Pending applications, if any, also stand disposed off.

17.09.2025
jk

(ALKA SARIN)
JUDGE

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