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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6050-2017 (O&M)
Date of Decision : 22.08.2025

SANTOSH DEVI AND ANR .... Appellants

VERSUS

RAMLOT YADAV AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mrs. Sangeeta Yadav, Advocate and
Mr. Sandeep Kumar Yadav, Advocate
for the appellants.

Mr. Pardeep Goyal, 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, Rewari (hereinafter referred to as the 'Tribunal') vide award dated 19.07.2016.

2. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1.	Notional annual income	₹42,000
2.	Deduction 50%	[₹42,000 - ₹21,000] = ₹21,000
3.	Multiplier of '18'	[₹21,000 x 18] = ₹3,78,000
4.	Funeral and transportation expenses	₹50,000
5.	Love and affection	₹1,00,000
	Total Compensation	**₹5,28,000**
	Interest	**@ 7.5% per annum**

4. Learned counsel for the claimant-appellants would contend that the claimant-appellants do not challenge the deduction of 50% and multiplier of '18' as applied by the Tribunal. Learned counsel, however, states that the income of the deceased, who was about 15 years of age and was studying in Class-10th, has been assessed notionally as ₹42,000 per annum which ought to have been assessed as per the minimum wages applicable to a skilled worker prevalent at the time of the accident which were ₹6,536 per month. In support of his arguments, learned counsel for the appellants has relied upon the judgments passed in the case of **Kajal vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]** which was later followed in the case of **Baby Sakshi Greola vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]**. It is further the contention of the learned counsel that no addition has been made towards future prospects which ought to have been 40% keeping in view the age of the deceased. It is still further the contention of the learned counsel that the amounts awarded under the conventional heads are not in consonance with 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]** and that no amount has been awarded under the head 'loss of consortium'.

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

6. Heard.

7. The argument of the learned counsel for the claimant-appellants that the income of the deceased ought to have been assessed as that of a skilled worker deserves to be accepted. The Hon'ble Supreme Court in the case of **Baby Sakshi Greola** (supra), while relying upon the case of **Kajal** (supra), 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. in March 2015 were ₹6,536 per month, hence the income of the deceased is assessed as ₹6,536 per month.

Further, no amount has been awarded towards future prospects hence as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects. Since there is no challenge to the deduction of 50% and multiplier of '18' as applied by the Tribunal, the same are maintained.

8. The compensation awarded under the conventional heads is not in consonance with the law laid down by the Hon'ble Supreme Court and no amount has been awarded under the head 'loss of consortium'. 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 parents of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

9. Accordingly, the reworked compensation is as under :

Sr. No.	**Heads**	**Compensation Awarded**
1.	Monthly income	₹6,536
2.	Annual income	[₹6,536 x 12] = ₹78,432
3.	Deduction 50%	[₹78,432 - ₹39,216] = ₹39,216
4..	Future prospects @40%	[₹39,216 + ₹15,687] = ₹54,903
5.	Multiplier '18'	[₹54,903 x 18] = ₹9,88,254
6.	Loss of estate	₹18,000
7.	Funeral expenses	₹18,000
8.	Loss of Consortium : (i) Filial	₹96,000 [₹48,000 x 2]
	Total Compensation	**₹11,20,254**

10. 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.

11. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 AIR (SC) 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank account(s) of the claimant-appellants within a period of six weeks from today. The particulars of the bank account(s) 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.

12. 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.

22.08.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No