292

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5816-2018 (O&M)
Date of Decision : 19.08.2025

Gurmeet Kaur ... Appellant(s)

Versus

Kartar Singh ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. N.S. Dandiwal, Advocate for the appellant.

Mr. Puneet Kumar Bansal, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Moga (hereinafter referred to as 'Tribunal') vide the impugned award dated 05.05.2018 in a motor vehicle accident which occurred on 23.07.2015.

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 a lump-sum compensation of ₹1,50,000/- alongwith interest @ 6% per annum from the date of filing of the claim petition till its realization.

4. Learned counsel for the claimant-appellant would contend that the Tribunal has only awarded a lump-sum amount of compensation to the tune of ₹1,50,000/- which is on the lower side inasmuch as the deceased in the present case was a young boy of 17 years who was studying in 10+1 and

had a very bright future ahead, hence, the income of the deceased ought to have been assessed as per the minimum wages of a skilled worker which were ₹8,400/- per month at the time of the accident. It is further the contention of the learned counsel that as per the law laid down by the Hon'ble Supreme Court in the case of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**, a deduction to the extent of 50% and future prospects @ 40% ought to have been applied. It is further the contention of the learned counsel that a multiplier of 18 ought to have been applied keeping in view the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**. It is further the contention of the learned counsel that no amount has been awarded under the conventional heads as well as under the head 'loss of consortium'. In support of his contentions, he has relied upon 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]**.

5. Learned counsel for the respondent has vehemently argued that the deceased was a student of 10+1 and his income cannot be assessed as per the minimum wages of a skilled worker. It is further the contention of the learned counsel that in any case there is no scope of any enhancement.

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

7. In the present case the Tribunal has only awarded a lump-sum amount of ₹1,50,000/- as compensation. Admittedly, at the time of the

accident, the deceased was a minor child of 17 years of age and was studying in Class 10+1 and had a very bright future ahead. The Tribunal ought to have assessed the monthly income of the deceased while awarding the compensation. Hon'ble Supreme Court in the case of **Baby Sakshi Greola vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]** relying upon the case of **Kajal vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]** had assessed the notional income of a 7 years' old child who had received injuries on the basis of minimum wages payable to a skilled worker. Further, Hon'ble Supreme Court recently 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]** yet again relying on **Baby Sakshi Greola** (supra), awarded 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. Taking a cue from the afore-referred judgments, in the present case keeping in view the fact that the deceased was 17 years of age and was a student of Class 10+1, this Court deems it appropriate to assess his income as per the minimum wages applicable for a skilled worker at the relevant point of time which were ₹8,400/- per month. Accordingly, the income of the deceased is assessed as ₹8,400/- per month.

8. In the present case, the Tribunal has not applied any deduction. The deceased was a minor child of 17 years, hence, as per the law laid down in the case of **Pranay Sethi** (supra), deduction to the extent of 50% and addition of 40% towards future prospects would be applicable. Further, as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma,** multiplier '18' would be applicable. Further, no amount has been

awarded under the conventional heads as well as 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-appellant 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-appellant 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	₹8,400/-
2	Annual Income	₹1,00,800/- [₹8,400 x 12]
3	Deduction 50%	₹50,400/- [₹1,00,800 – 50,400]
4	Future Prospects - 40%	₹70,560/- [₹50,400 + 20,160]
5	Multiplier - 18	₹12,70,080/- [₹70,560 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	**₹13,54,080/-**

9. 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.

10. 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 claimant within six weeks from today. The particulars of the bank account(s) alongwith the requisite documents(s) 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.

11. In view of the above, the present appeal is allowed and the impugned award stands modified to the extent stated above. Pending applications, if any, also stand disposed off.

19.08.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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