

FAO-6336-2017 (O&M)

2025.P111C.145005



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

FAO-6336-2017 (O&M)

Date of decision : 16.10.2025

Smt. Sheela Devi & anr.

..... Appellants

Versus

Nathu Ram & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. D.S.Adlakha, Advocate
for the appellants.

Mr. Sarvesh Malik, Advocate
for respondent No.1.

Mr. Ashwani Talwar, Advocate and
Mr. Nikhil Sehrawat, Advocate
for respondent No.3.

Mr. Ram Avtar, Advocate
for respondent No.6.

PANKAJ JAIN, J. (ORAL)

CM-20341-CII-2017

This is an application for condonation of delay of 40 days in
filing the present appeal.

For the reasons recorded in the application, this Court is
satisfied that the applicants-appellants have shown sufficient cause to
condone the delay in filing the appeal.

Application is allowed. Delay of 40 days in filing the appeal is
condoned.

**Main case**

1 Claimants are in appeal seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Jhajjar vide award dated 14.02.2017.

2 Claimants filed petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of death of their son Vikash who died at the age of 18 years in a motor vehicular accident on 10.12.2014.

3 Counsel for the appellants has drawn attention of this Court to medical bills proved on record as Ex.P1 to Ex.P8 as per which an amount of Rs.2,46,485/- was spent while Vikash was struggling for his life. He remained hospitalized from 10.12.2014 till 15.12.2014. He further submits that the deceased was working as a mechanic in an electronic shop, yet the Trial Court has assessed him as an unskilled worker.

4 Having heard learned counsel for the parties and after carefully perusing the record, this Court finds that even though the claimants claimed that the deceased was working as a mechanic in an electronic shop and was earning Rs.15,000/- per month apart from being student, no cogent evidence has been produced on record to prove his income. As per the minimum wages notified by State of Haryana as applicable on the date of accident i.e. 10.12.2014, the minimum wages prescribed for the skilled worker are Rs.6,160/- per month. Accordingly, the income of the deceased-Vikash is deemed to be Rs.6,160/- per month.

5 Keeping in view his age, multiplier of 18 has been rightly applied. Deduction of 1/2 needs to be applied. 40% of future prospects



need to be added in view of ratio of law laid down by Supreme Court in the case of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*. Nothing has been paid on account of loss of estate. Claimants are awarded a sum of Rs.18,000/- for loss of estate. Medical bills Ex.P1 to Ex.P7 proved that an amount of Rs.66,485/- was spent, and treatment bill Ex.P8 proved that an amount of Rs.1,80,000/- was incurred on treatment. The total of Ex.P1 to P8 comes to Rs.2,46,485/-. The same is awarded accordingly.

6 With the aforesaid modification in the impugned award, the appeal is ordered to be disposed off.

7 Needless to say, interest as awarded by the Tribunal is maintained. Anything already paid to the claimants needs to be set off.

8 Pending miscellaneous application, if any, also stands disposed off.

16.10.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No