2025:PHHC:079546

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

232 **FAO-358-2019 (O&M)**
Date of Decision : 04.07.2025

Sarbari and Others ....Appellants

VERSUS

Amjad and Others ....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rakesh Dhiman, Advocate for the appellants.

Mr. Dhruv Mittal, Advocate for respondent No.1.
None for respondent No.2.

Mr. Vishwajit Bedi, Advocate for respondent No.3.

ALKA SARIN, J. **(Oral)**

1. The present appeal has been preferred by the claimants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Gurugram (hereinafter referred to as 'Tribunal') vide the impugned award dated 23.07.2018.

2. Since the factum of the accident is not in dispute, the facts are not being reproduced herein for the sake of brevity.

3. The Tribunal had awarded the following compensation :

Sr. No.	**Heads**	**Compensation Awarded**
1	Notional annual income	₹40,000/-
2	Multiplier of 15	[₹40,000 x 15] = ₹6,00,000/-
3	Loss of love and affection and funeral expenses	₹70,000/-
	Total Compensation	**₹6,70,000/-**
	Interest	**7% per annum**

4. Learned counsel for the claimant-appellants would contend that the Tribunal has wrongly assessed the notional income of the deceased child aged 13 years as ₹40,000/- per annum and further applied a multiplier of ‘15’ instead of ’18’ and has also not granted any addition towards loss of future prospects. Learned counsel for the claimant-appellants has relied upon judgments of the Hon’ble Supreme Court in the cases of **Kajal vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]**, **Baby Sakshi Greola vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238] and 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]** to contend that the income of the deceased ought to have been assessed according to the minimum wages applicable to a skilled worker at the relevant point of time and a multiplier of ‘18’ is applicable instead of ‘15’ besides an addition of 40% towards loss of future prospects. Learned counsel for the claimant-appellants would further contend that the amount awarded under the conventional heads as well as under the head ‘loss of consortium’ is not in accordance with the law as laid down by the 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. Learned counsel for the Insurance Company would contend that

a sufficient amount of compensation has already been granted and there is no scope of any enhancement.

6. Heard.

7. In the present case, admittedly, the deceased was a child of '13' years of age and the Tribunal has assessed his notional income @ Rs.40,000/- per annum and has applied a multiplier of '15'. No addition has been made towards loss of future prospects. Hon'ble Supreme Court in the case of **Baby Sakshi Greola** *(supra)* while relying upon the case of **Kajal** *(supra)* had assessed the notional income of a 7 years' old child on the basis of minimum wages payable to a skilled worker and applied a multiplier of '18'. Further, in the case of **Karuna Parmar** *(supra),* yet again Hon'ble Supreme Court while relying upon **Baby Sakshi Greola** *(supra)*, awarded compensation in the case of a 6 years' old child, who had died in an accident on 07.03.2014, as per the minimum wages applicable to a skilled worker in the year 2014 and had applied a multiplier of '18'. In view thereof, this Court deems it appropriate to assess the income of the deceased child as per the minimum wages applicable to a skilled worker prevailing at the relevant point of time, which were ₹9,343/- per month. Keeping in view the age of the deceased child, a deduction of 50% would be applicable besides an addition of 40% towards loss of future prospects. Further, in view of the law laid down in the above referred cases, a multiplier of '18' would be applicable.

8. Further, the Tribunal has awarded a lump sum amount of ₹70,000/- under the head 'loss of love and affection' and 'funeral expenses',

which is not as per the law. Accordingly, 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.

9. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹9,343/-
2	Annual Income	₹1,12,116/- [₹9,343 x 12]
3	Deduction 50%	₹56,058/- [₹1,12,116 – 56,058]
4	Future Prospects - 40%	₹78,482/- [₹56,058 + 22,424]
5	Multiplier - 18	₹14,12,676/- [₹78,482 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial [₹48,000/- x 3]	₹1,44,000/-
	Total Compensation	**₹15,92,676/-**

10. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7% per annum from the date of filing of the claim petition till the realization of the entire amount.

11. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : 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-appellants 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 claimants 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.

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

(ALKA SARIN)
04.07.2025 **JUDGE**
jk

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