



114

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

FAO-5796-2024 (O&M)

Reserved on : 12.03.2025

Date of Decision : 20.03.2025

National Insurance Company. Ltd.

... Appellant(s)

VERSUS

Bindiya & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vinod Gupta, Advocate for the appellant.

Mr. I.S. Kooner, Advocate
for the caveator-respondents No.1 and 2.

ALKA SARIN, J.

1. The present appeal has been filed by the appellant-Insurance Company challenging the quantum of compensation awarded by the Motor Accident Tribunal, Hoshiarpur (hereinafter referred to as 'Tribunal') vide award dated 09.09.2024.
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 only challenge laid by the learned counsel for the appellant-Insurance Company is to the quantum of compensation awarded.
4. The deceased, in the present case, was a minor child, namely, Parwinder Bains, aged 6 years who was a student of UKG Class at Government Primary School, Panam, Tehsil Garhshankar, District Hoshiarpur, who died in an accident which took place on 22.05.2023. The Tribunal awarded the following compensation :

Sr.No.	Heads	Compensation Awarded
1	Monthly Income	₹12,030/-
2	Income Tax	NIL
3	Annual Income	₹1,44,360/- [₹12,030 x 12]
4	Deduction 1/2	₹72,180/- [₹1,44,360 – 72,180]
5	Multiplier - 18	₹12,99,240/- [₹72,180 x 18]
6	Future Prospects - 40%	₹18,18,936/- ₹12,99,240 + 5,19,696]
7	Loss of consortium Filial	₹96,000/- (₹48,000 x 2)
8	Loss of estate	₹18,000/-
9	Funeral expenses charges	₹18,000/-
10	Transportation	₹5,000/-
	Total Compensation	₹19,55,936/-

5. Learned counsel for the appellant-Insurance Company would contend that the amount awarded by the Tribunal is highly excessive. It is the contention of the learned counsel that for a minor child of 6 years, the income could not have been assessed as that of a skilled worker. It is further the contention that the Tribunal has erred in applying a multiplier of 18 in the present case and that as per the judgment of the Supreme Court in the case of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [2009 (6) SCC 121]**, a multiplier of 15 ought to have been applied.

6. *Per contra*, the learned counsel for the caveator-respondent Nos.1 and 2 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 cases of injury, however, in both the cases a minor was involved and the income was assessed as that of a skilled worker and a multiplier of 18 was also applied.

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

8. In the present case the Tribunal has applied a multiplier of 18 and assessed the income as that of a skilled workman relying upon the judgments in the cases of **Master Ayush Vs. The Branch Manager, Reliance General Insurance Company Limited & Anr. [2022 (2) RCR (Civil) 760]** and **Minor Roopa Vs. The Divisional Manager, New India Assurance Company Limited [Civil Appeal No.5069 of 2022 arising out of SLP (C) No.19366 of 2021 decided on 03.08.2022]** wherein for the death of a minor child aged 5 and 6 years, respectively, income of the deceased was calculated on the basis of minimum wages for a skilled workman.

9. The argument of the learned counsel for the appellant-Insurance Company that the ratio laid down in the cases of **Kajal** (supra) and **Baby Sakshi Greola** (supra) would not be applicable as both are cases of injury is wholly ill-founded. Hon'ble Supreme Court in the case of **Baby Sakshi Greola** (supra), relying upon the cases of **Kajal** (supra) and **Master Ayush** (supra), 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. The 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 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 argument of the learned counsel that since the cases of **Kajal** (supra) and **Baby Sakshi Greola** (supra) were cases of injury and the same would have no applicability deserves to be rejected in view of the view taken by the Hon'ble Supreme Court in the case of **Karuna Parmar** (supra) wherein

while assessing the income of the deceased, the minimum wages, as applicable to a skilled worker in the case of a 6 years old child who had died in the accident, have been applied. In view thereof, no fault can be found with the finding of the Tribunal whereby the notional income has been assessed as per the minimum wages for a skilled worker.

10. The second argument of the learned counsel for the appellant-Insurance Company that a multiplier of 18 has wrongly been applied and as per the judgment of the Supreme Court in the case of **Sarla Verma** (supra) a multiplier of 15 ought to have been applied, is also noticed only to be rejected. Hon'ble Supreme Court in the cases of **Kajal** (supra), **Baby Sakshi Greola** (supra) and recently in the case of **Karuna Parmar** (supra), which is a case pertaining to a 6 years old child who died in the accident, has also applied a multiplier of 18. Even in the cases of **Kajal** (supra) and **Baby Sakshi Greola** (supra), a multiplier of 18 had been applied in case of the child who was less than 15 years of age. No other argument has been raised.

11. In view of the above, I do not find any merit in the present appeal. The same being the devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed of.

20.03.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

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