

FAO-2104-2021
FAO-2654-2021
FAO-3296-2021

2026:PHHC:056770



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 16.04.2026

1.

FAO-2104-2021

SUNITA AND ANOTHER

Versus

VIKRANT SAKLANI AND OTHERS

....Appellants

...Respondents
2.

FAO-2654-2021

RAJESH KAPOOR

Versus

VIKRANT SAKLANI AND OTHERS

..... Appellant

..... Respondents
3.

FAO-3296-2021

RAJESH KAPOOR

Versus

VIKRANT SAKLANI AND OTHERS

..... Appellant

..... Respondents

1.	Judgment reserved on	25.02.2026
2.	Judgment pronounced on	16.04.2026
3.	Judgment uploaded on	16.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Nil



CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued by : Mr. Ashwani Arora, Advocate
for the appellant(s).

Mr. Vinod Chaudhari, Advocate
for respondent No.3-Insurance Company.

YASHVIR SINGH RATHOR. J.(Oral)

1. The aforesaid three appeals have been instituted against the Award dated 04.01.2020 passed by Motor Accident Claims Tribunal, Chandigarh (**for short “Tribunal”**) in the petitions under Section 166 of Motor Vehicles Act, 1988, filed by the appellants seeking enhancement of compensation on account of deaths of Piyush, Ranjana Kapoor and Harshita in a motor vehicular accident due to the rash and negligent driving on the part of respondent No.1-Vikrant Saklani, while driving the offending Volvo Bus No.HR38-Y-0099 (**hereinafter referred to as offending vehicle**), owned by respondent No.2 and insured with respondent No.3-Insurance Company.

2. Claim petition No.64 of 2019 in **FAO-2104-2021**, titled ‘Sunita and another Versus Vikrant Saklani and others’, was instituted by the parents of deceased-Piyush, aged 5 years, for grant of compensation on account of death of their son.

3. Claim petition No.70 of 2019 in **FAO-2654-2021**, titled ‘Rajesh Kapoor Versus Vikrant Saklani And others’, was instituted by the father of deceased-Ranjana Kapoor, aged 18 years, for grant of compensation on account of



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death of his daughter.

4. Claim petition No.60 of 2019 in **FAO-3296-2021**, titled 'Rajesh Kapoor Versus Vikrant Saklani And others', was instituted by father of deceased-Harshita, aged 9 years, for grant of compensation on account of death of his daughter.

5. From the pleadings of parties, following issues were framed by learned Tribunal in **MACP-64-2019:-**

1. *Whether Mr. Piyush has died in a road side accident due to sole rash and negligent driving of Bus bearing registration no.HR38-Y-0099 by respondent no.1? OPP*
2. *Whether the claimant is entitled to compensation, if so to what amount and from whom? OPP*
3. *Whether respondent no.1 was not having a valid and effective driving license at the time of accident? OPR-3.*
4. *Relief.*

6. The following issues were framed by learned Tribunal in the claim petition No.**MACP-70-2019:-**

1. *Whether Ms. Ranjana Kapoor has died in a road side accident due to sole rash and negligent driving of Bus bearing registration no. HR38-Y-0099 by respondent no.1? OPP*
2. *Whether the claimant is entitled to compensation, if so to what amount and from whom? OPP*
3. *Whether respondent no.1 was not having a valid and effective driving license at the time of accident? OPR-3.*
4. *Relief.*



7. The following issues were framed by learned Tribunal in the claim petition No.**MACP-60-2019**:-

1. *Whether Ms. Harshita has died in a road side accident due to sole rash and negligent driving of Bus bearing registration no.HR38-Y-0099 by respondent no.1? OPP*
2. *Whether the claimant is entitled to compensation, if so to what amount and from whom? OPP*
3. *Whether respondent no.1 was not having a valid and effective driving license at the time of accident? OPR-3.*
4. *Relief.*

8. Thereafter, the parties led evidence in support of their case.

9. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.4,65,000/- as compensation for the death of Piyush, Rs.11,10,000/- for the death of Ranjana Kapoor and Rs.4,65,000/- for the death of Harshita along with interest @ 7.5% per annum from the date of filing of the claim petitions till realization payable by respondents jointly and severally.

10. Feeling aggrieved, the appeals in hand have been preferred. The material on file has been perused and parties have been heard.

11. The only issue required to be determined in the present appeals relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under issue No.1 that the accident had occurred due to the rash and negligent driving on the part of respondent No.1, while driving



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offending vehicle, owned by respondent No.2 and insured with respondent No.3. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required to be interfered with.

12. Learned counsel for the appellants argued that the impugned awards, vide which compensation has been awarded are based on conjectures and surmises and are liable to be set aside and enhanced amount of compensation should be awarded. Learned counsel further contended that the income of the deceased has been assessed on the lower side. Future prospects have also not been added to the monthly income of the deceased, contrary to the settled provisions of law. No appropriate compensation has been awarded under the conventional heads, i.e. loss of consortium, loss of estate, and funeral expenses and he prayed that compensation be suitably enhanced. In support of his contentions, learned counsel for the appellants has relied upon 2025 ACJ 1624 titled **Karuna Parmar Vs. Prakash Sinha and others**, 2009(6) SCC 121 **Sarla Verma and others Vs. Delhi Transport Corporation and Another**, 2017 (16) SCC 680 **National Insurance Co. Ltd Vs. Pranay Sethi and Other**, 2018 (4) R.C.R. (Civil) 333 **Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others** and (2021) 11 SCC 780 **United India Insurance Co. Ltd. Vs. Satinder Kaur**.

13. On the other hand, learned counsel for respondent No.3 argued that the adequate compensation has been awarded by the learned Tribunal and no interference in the said award is called for and appeal in hand be dismissed.

14. The term ‘just compensation’ has been elaborated by Hon’ble



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Supreme Court in **2009(1) RCR (Civil) 867 (SC), Syed Basheer Ahamed and Others Vs. Mohd. Jameel and Another**, and it has been held that while assessing compensation in a motor accident claims case, the Tribunal should award compensation which appears to be just. The expression “which appears to be just” vests a wide discretion in the Tribunal in the matter of determination of compensation. Nevertheless, the wide amplitude of such power does not empower the Tribunal to determine the compensation arbitrarily, or to ignore settled principles relating to determination of compensation. It has been further held that although the Act is a beneficial legislation, it can neither be allowed to be used as a source of profit, nor as a windfall to the persons affected nor should it be punitive to the persons liable to pay compensation and that determination of compensation must be based on certain data establishing reasonable nexus between the loss incurred by the victim or dependents. It has been further held that misplaced sympathy, generosity and benevolence cannot be the guiding factors for determining the compensation. As such, compensation is required to be assessed by taking into consideration above-said parameters.

Compensation in FAO-2104-2021, Sunita and Another Vs. Vikrant Saklani and Others, arising out of MACP No. 64 of 2019:-

15. As per version of claimants, who are parents of deceased Piyush, their son died in a motor vehicle accident on 29.12.2018, who was 5 years of age, Tribunal has awarded a sum of Rs.4,50,000/- as compensation and also awarded a sum of Rs.15,000/- towards ‘funeral expense’ and in all, a sum of Rs.4,65,000/- has been awarded.



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16. However, Hon'ble Supreme Court in **Karuna Parmar's case (supra)** while relying upon judgment rendered by the Hon'ble Supreme Court in 2024 SCC Online SC 3692, **Baby Sakshi Greola Vs. Manzoor Ahmad Simon**, has held that minimum wages payable to a skilled worker in the concerned State have to be taken into consideration while assessing income in the case of death of a child because that would be the minimum amount which a child would have earned on attaining the age of majority. In **Karuna Parmar's case (supra)**, a girl aged 6 years had died and taking into consideration the minimum wages for skilled workers in the year 2014 to be Rs.223 per day, annual income was assessed as Rs.80,280/- and thereafter, future prospects were applied and after applying multiplier of 18, the compensation was assessed.

17. In the present case, deceased was 5 years of age and the accident took place on 29.12.2018 and during those days, minimum wages earned by a skilled person in Chandigarh were Rs.9,980/- per month and accordingly, income of deceased is taken as **Rs.10,000/- per month**.

18. Since, deceased was 5 years of age, 40% amount has to be added to the income of the deceased towards future prospects in view of law laid down in **Pranay Sethi's case (supra)**, which takes his income to **Rs.14,000/- per month (Rs.10,000/- + Rs.4,000/-)**.

19. As per law laid down in **Sarla Verma's case (supra)**, 50% of the earnings have to be deducted towards personal and living expenses. After deducting 50% of income towards personal expenses, the monthly loss of dependency comes out to **Rs.7,000/-** and the annual loss of dependency comes out



to **Rs.84,000/- (Rs.7,000/- X 12).**

20. Since deceased was 5 years of age, multiplier of 18 has to be applied in view of the guidelines laid down in **Karuna Parmar’s case (supra)**, and after applying the same, the total loss of dependency comes out to **Rs.15,12,000/- (Rs.84,000/- X 18).**

21. In addition to this, claimant No.1 (mother of the deceased) is held entitled to a sum of **Rs.70,000/-** under conventional heads i.e. **Rs.40,000/-** towards ‘loss of consortium’, **Rs.15,000/-** towards ‘loss of estate’ and **Rs.15,000/-** on account of ‘funeral expenses’, as per law laid down in **Pranay Sethi’s case (supra)**. Likewise, claimant No.2 (father of the deceased) is also held entitled to a sum of **Rs.40,000/-** on account of ‘loss of filial consortium’, in view of law laid down in **Nanu Ram’s case (supra)** and **Satinder Kaur’s case (supra)**, which takes the compensation to **Rs.16,22,000/- (Rs.15,12,000/- + Rs.1,10,000/-).**

22. Accordingly, the compensation to be awarded to the appellants/claimants is assessed as under:-

S.No.	Under Head	Compensation awarded by the High Court
1.	Monthly income of deceased	Rs.10,000/- per month
2.	Age of deceased	5 years
3.	Future prospects @40%	Rs.4,000/-
4.	Total income	Rs.14,000/-
5.	Number of dependents	2
6.	Deduction of 50% towards personal expenses of the deceased	Rs.7,000/-
7.	Annual loss of dependency	Rs.84,000/- (Rs.7,000/- X 12)



8.	Multiplier	18
9.	Compensation on account of Loss of dependency	Rs.15,12,000/- (Rs.84,000/- X 18)
10.	Compensation under conventional heads to claimant No.1-mother	Rs.70,000/-
11.	Compensation to claimant No.2 for loss of filial consortium	Rs.40,000/-
	Total Compensation	Rs.16,22,000/-
	Interest	9%

23. Accordingly, enhanced compensation payable to claimant comes to **Rs.11,57,000/- (Rs.16,22,000/- - Rs.4,65,000/-)**.

Compensation in FAO-2654-2021, Rajesh Kapoor Versus Vikrant Saklani

And Others, arising out of MACP No.70 of 2019 :-

24. As per the version of the claimant, deceased Ranjana Kapoor was born on 24.01.2001, which is proved from SSC Certificate Ex.P5 and she used to assist her mother in providing private tuitions. Learned Tribunal assessed her monthly income at Rs.10,000/-. After deducting 1/2 towards personal and living expenses (being a bachelor), the monthly loss of dependency was calculated at Rs.5,000/-. By applying multiplier of 18, the compensation for loss of dependency was assessed at Rs.10,80,000/- beside Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate and the total compensation awarded was Rs.11,10,000/-.

25. Deceased was 18 years of age and she had studied upto 10+2 and was aspiring for medical education and she cannot be treated merely as a skilled person and some amount of guesswork has to be applied in assessing the monthly



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income of the deceased. Accordingly, in view of the educational qualification, the income of the deceased is taken to be **Rs.14,000/-** per month.

26. Deceased was 18 years of age. As per guidelines laid down in **Pranay Sethi's case (supra)**, 40% of the amount has to be added to the income of the deceased towards future prospects, which takes her monthly income to be **Rs.19,600/- (Rs.14,000/- + Rs.5,600/-)**.

27. As per law laid down in **Sarla Verma's case (supra)**, 50% of the earnings have to be deducted towards personal and living expenses. After deducting 50% of her income towards personal expenses, the monthly loss of dependency comes out to **Rs.9,800/-** and the annual loss of dependency comes out to **Rs.1,17,600/- (Rs.9,800/- X 12)**.

28. Since deceased was 18 years of age, multiplier of 18 has to be applied in view of the guidelines laid down in **Sarla Verma's case (supra)**, and after applying the same, the total loss of dependency comes out to **Rs.21,16,800/- (Rs.1,17,600/- X 18)**.

29. In addition to this, claimant is held entitled to a sum of **Rs.70,000/-** under conventional heads as per law laid down in **Pranay Sethi's case (supra)**, which takes the compensation to **Rs.21,86,800/- (Rs.21,16,800/- + Rs.70,000/-)**, which is rounded off to **Rs.21,87,000/-**.

30. The total compensation payable to the appellant is accordingly assessed as under:-



S.No.	Under Head	Compensation awarded by the High Court
1.	Monthly income of deceased	Rs.14,000/- per month
2.	Age of deceased	18 years
3.	Future prospects @40%	Rs.5,600/-
4.	Total income	Rs.19,600/-
5.	Number of dependent	1
6.	Deduction of 50% towards personal expenses of the deceased	Rs.9,800/-
7.	Annual loss of dependency	Rs.1,17,600/- (Rs.9,800/- X 12)
8.	Multiplier	18
9.	Compensation on account of Loss of dependency	Rs.21,16,800/- (Rs.1,17,600/- X18)
10.	Compensation under conventional heads to claimant	Rs.70,000/-
	Total Compensation	Rs.21,86,800/- (rounded off to Rs.21,87,000/-)
	Interest	9%

31. Accordingly, enhanced compensation payable to claimant comes to **Rs.10,77,000/- (Rs.21,87,000/- - Rs.11,10,000/-)**.

Compensation in FAO-3296-2021, Rajesh Kapoor Versus Vikrant Saklani

And Others, arising out of MACT No.60 of 2019 :-

32. As per version of claimant, his daughter died in a motor vehicle accident on 29.12.2018, who was 9 years of age, Tribunal has awarded a sum of Rs.4,50,000/- as compensation and also awarded a sum of Rs.15000/- towards ‘funeral expense’ and in all, a sum of Rs.4,65,000/- has been awarded.

33. However, Hon’ble Supreme Court in **Karuna Parmar’s case**



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(supra) while relying upon judgment rendered by the Hon'ble Supreme Court in 2024 SCC Online SC 3692, **Baby Sakshi Greola Vs. Manzoor Ahmad Simon**, has held that minimum wages payable to a skilled worker in the concerned State have to be taken into consideration while assessing income in the case of death of a child because that would be the minimum amount which a child would have earned on attaining the age of majority. In **Karuna Parmar's case (supra)**, a girl aged 6 years had died and taking into consideration the minimum wages for skilled workers in the year 2014 to be Rs.223 per day, annual income was assessed as Rs.80,280/- and thereafter, future prospects were applied and after applying multiplier of 18, the compensation was assessed.

34. In the present case, deceased was 9 years of age and the accident took place on 29.12.2018 and during those days, minimum wages earned by a skilled person in Chandigarh were Rs.9,980/- per month and accordingly, income of deceased is taken as **Rs.10,000/- per month**.

35. Since, deceased was 9 years of age, 40% amount has to be added to the monthly income of the deceased towards future prospects in view of law laid down in **Pranay Sethi's case (supra)**, which takes her income to **Rs.14,000/- per month (Rs.10,000/- + Rs.4,000/-)**.

36. As per law laid down in **Sarla Verma's case (supra)**, 50% of the earnings have to be deducted towards personal and living expenses. After deducting 50% of her income towards personal expenses, the monthly loss of dependency comes out to **Rs.7,000/-** and the annual loss of dependency comes out to **Rs.84,000/- (Rs.7,000/- X 12)**.



37. Since deceased was 9 years of age, multiplier of 18 has to be applied in view of the guidelines laid down in **Karuna Parmar’s case (supra)**, and after applying the same, the total loss of dependency comes out to **Rs.15,12,000/- (Rs.84,000/- X 18)**.

38. In addition to this, claimant is held entitled to a sum of **Rs.70,000/-** under conventional heads as per law laid down in **Pranay Sethi’s case (supra)**, which takes the compensation to **Rs.15,82,000/- (Rs.15,12,000/- + Rs.70,000/-)**.

39. Accordingly, the compensation to be awarded to the appellant/claimant is assessed as under:-

S.No.	Under Head	Compensation awarded by the High Court
1.	Monthly income of deceased	Rs.10,000/- per month
2.	Age of deceased	9 years
3.	Future prospects @40%	Rs.4,000/-
4.	Total income	Rs.14,000/-
5.	Number of dependent	1
6.	Deduction of 50% in total income towards personal expenses of the deceased	Rs.7,000/-
7.	Annual loss of dependency	Rs.84,000/- (Rs.7,000/- X 12)
8.	Multiplier	18
9.	Compensation on account of Loss of dependency	Rs.15,12,000/- (Rs.84,000/- X 18)
10.	Compensation under conventional heads to claimant	Rs.70,000/-
	Total Compensation	Rs.15,82,000/-
	Interest	9%

40. Accordingly, enhanced compensation payable to claimant comes to



Rs.11,17,000/- (Rs.15,82,000/- - Rs.4,65,000/-).

41. As a result of aforesaid discussion, all the aforesaid three appeals are partly accepted with costs.

42. In **FAO-2104-2021**, appellants are held entitled to a sum of **Rs.11,57,000/-** as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 23.01.2019 till realization payable by respondents jointly and severally, to be shared equally by the appellants.

43. In **FAO-2654-2021**, appellant is held entitled to a sum of **Rs.10,77,000/-** as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 24.01.2019 till realization payable by respondents jointly and severally.

44. In **FAO-3296-2021**, appellant is held entitled to a sum of **Rs.11,17,000/-** as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 22.01.2019 till realization payable by respondents jointly and severally.

45. The payments shall be deposited in their bank accounts to be provided by them.

46. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of directions issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled **Bajaj Allianz**



General Insurance Company Versus Union of India and others, decided on 16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.

47. A photocopy of this order be placed on the file of the connected cases.
48. Pending misc. application(s), if any, shall also stand disposed of.

16.04.2026
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No