

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

FAO-189-1995(O&M)
Date of Decision-30.01.2026

SUMER SINGH @ SUBER SINGH (SINCE DECEASED) THROUGH
LR AND ANOTHER ... APPELLANTS

VERSUS

MOHINDER SINGH (SINCE DECEASED) THROUGH LRS AND
OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

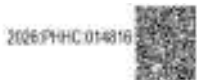
Present: Mr. Deepak Jaglan, Advocate for appellants.
Mr. Mohan Singla, Advocate for respondent No.1.

VIRINDER AGGARWAL, J.(ORAL)

1. This appeal has been preferred by the claimants seeking enhancement of compensation awarded vide award dated 19.07.1994 passed by the Motor Accident Claims Tribunal, Rohtak, whereby the compensation of ₹30,000/- along with interest at 12% per annum was granted on account of death of Rohtash in a motor vehicular accident that took place on 25.05.1993.

BACKGROUND FACTS

2. The brief facts of the case are that on 25.05.1993, Rohtash, aged about 12 years, along with his father Sumer Singh, was standing at the bus stand of their village Sarsod. At that time, a bus bearing registration No. HR-26-2842, driven by respondent No.1 Mohinder Singh, came from the Hissar side at a high speed and in a rash and negligent manner. The said bus, after swerving to the wrong side of the road, i.e. to the right side of the driver, struck Rohtash, who was standing near a chabutra. The front wheel of the bus ran over the body of Rohtash, resulting in his instantaneous death at the spot. In connection



with the accident, an FIR under Sections 279 and 304-A IPC was registered at Police Station Barwala. Thereafter, the claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of the death of Rohtash.

3. Upon appreciation of the oral as well as documentary evidence on record, the learned Tribunal concluded that the accident in question and the resultant death of Rohtash stood duly proved and that the same had occurred due to the rash and negligent driving of respondent No.1 Mohinder Singh. The finding on negligence was primarily based on the ocular testimony of Sumer Singh (PW-1), the father of the deceased and an eye-witness to the occurrence. His testimony was found to be natural, consistent, cogent, and reliable. The same stood duly corroborated by the registration of FIR (Ex. P1) under Sections 279 and 304-A IPC at Police Station Barwala, as well as by the post-mortem report (Ex. P2), which established that Rohtash had succumbed to ante-mortem injuries sustained in a road traffic accident. While assessing the compensation, the learned Tribunal determined the age of the deceased as 12 years. Although PW-1 deposed that the deceased was earning ₹700–800 per month by doing agricultural work, the learned Tribunal did not undertake a detailed assessment of income, dependency, or loss of future earnings by applying the multiplier method. Instead, taking an overall view of the facts and circumstances of the case, the learned Tribunal awarded a lump-sum compensation of ₹30,000/- to the claimants on account of the death of Rohtash. The said amount was directed to be paid along with interest at the rate of 12% per annum.

CONTENTIONS

4. Learned counsel for the appellants submitted that the compensation determined by the learned Tribunal is manifestly inadequate and wholly contrary to the settled principles governing the assessment of just compensation. It was contended that the learned Tribunal failed to undertake a proper assessment of the income, dependency, and loss of future earning capacity of the deceased and, instead, awarded a meagre lump-sum amount without any rational basis. Learned counsel further argued that the learned Tribunal did not apply the multiplier method at all, despite the same being the accepted mode for computation of compensation, even in cases relating to the death of a minor. It was also submitted that no amount was awarded under conventional heads such as loss of consortium and funeral expenses, and that the learned Tribunal failed to grant compensation under other mandatory conventional heads. Additionally, no addition towards future prospects was made. On these grounds, it was urged that the impugned award warrants enhancement so as to grant just, fair, and reasonable compensation to the claimants.

5. Learned counsel for respondent No.1 supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

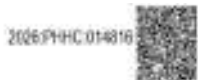
OBSERVATIONS AND FINDINGS

6. I have heard learned counsel for the parties and perused the complete records. On due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, I find no reason to take a different view. The findings on those

aspects are accordingly affirmed. However, the core issue arising in the appeal pertains to the reassessment of the quantum of compensation.

7. Firstly, the income of the deceased minor is required to be determined in accordance with the law now settled by the Hon'ble Supreme Court. *In Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari, 2025 INSC 1070, Kajal v. Jagdish Chand, (2020) 4 SCC 413, and Baby Sakshi Greola v. Manzoor Ahmad Simon, 2024 SCC OnLine SC 3692*, the Hon'ble Supreme Court has categorically held that in cases involving a minor child, the assessment of loss of income cannot proceed on the assumption that the child was a non-earning person. It has been authoritatively laid down that notional income must be determined by adopting, at the very least, the minimum wages notified for a skilled worker in the concerned State for the relevant period, having regard to the child's future potential and prospects. Applying the aforesaid settled legal position to the facts of the present case, the income of the deceased minor is required to be assessed on the basis of the minimum wages applicable to skilled labour prevailing at the time of the accident, which comes to ₹1,500/- per month.

8. Further, Compensation requires reassessment strictly in terms of the principles laid down by Hon'ble the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680, Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram, 2018 (18) SCC 130 and Sarla Verma v. DTC, (2009) 6 SCC 121*, wherein the framework for computation of "loss of dependency" by addition towards future prospects as per the nature of employment, deducting personal expenses of deceased, and applying appropriate multiplier on the basis of age of the deceased, and

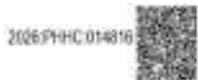


standardized amounts for conventional heads such as loss of estate, funeral expenses and loss of consortium, has been settled. The present matter, therefore, call for recalculation of the amount under each of these heads by applying the correct deduction on basis of dependency and correct multiplier relatable to the age of the deceased and by granting the admissible sum towards consortium and other conventional heads as mandated in the aforesaid decisions. The reassessment is structured as under:

REASSESSED COMPUTATION

Particulars	Reassessed Award (₹)
Monthly Income	1,500/-
Income With Future Prospects (40%)	2,100/- (1,500 + 600)
After Deduction (50% for personal expenses)	1,050/- (50% for personal expense as Unmarried)
Annual Contribution To Family	12,600/- (1050x12)
Multiplier (age 12 yrs)	15
Loss Of Dependency	1,89,000/- (12,600 × 15)
Filial Consortium	80,000/-
Funeral Expenses	15,000/-
Loss Of Estate	15,000/-
Total	₹2,99,000/-

9. Resultantly, the compensation awarded by the learned Tribunal is enhanced **₹2,99,000/-**. The enhanced amount shall carry the interest at rate of 7% per annum from the date of filing of the claim petition till realization. The liability and apportionment of the compensation shall remain the same as determined by the learned Tribunal
10. Accordingly, the appeal is partly **allowed** with modification of the award to the above extent. All other conditions of the award, not inconsistent with this judgment, shall remain unaltered.



11. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

30.01.2026
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(VIRINDER AGGARWAL)
JUDGE

- (i) Whether speaking/reasoned : Yes/No
- (ii) Whether reportable : Yes/No