



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

102

FAO-637-1995 (O&M)
Date of decision:21.01.2026

Nand Lal

... Appellant

Versus

The Haryana State and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Umesh Sharma, Advocate for appellant.
Mr. Abhinav Mahant, Asst. A.G, Haryana.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants being parents of deceased - Renu (hereinafter referred to as the '**deceased**'), who died in a motor vehicular accident which took place on 07.06.1992, on account of rash and negligent driving by Drivers of Haryana Roadways bus bearing registration No. HNF-1969 and Truck No. PB-10-9501.

2. Being aggrieved by the impugned award dated 19.10.1994, passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as '**Tribunal**'), vide which the appellants-claimants were found entitled to total compensation of Rs. 40,000/-, the appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with their entitlement and is insufficient compensation.

3. Since in present appeal the only issue raised by appellants-claimants is as regards to quantum of compensation and there is no appeal or cross-objection preferred by respondents to challenge manner of accident, the detailed facts as regards to manner of accident are not being noticed for the sake of brevity.

4. The Tribunal in the present case had awarded the following compensation:

Total loss determined & awarded compensation	Rs. 40,000/-
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5. Ld. Counsel for claimants-appellants have sought enhancement in compensation on following grounds that :

- Income of deceased was not correctly taken. That the income of the deceased taken by learned Tribunal is on the lower side. That deceased was 15 years of age at the time of accident doing knitting and embroidery work and was earning Rs. 500/- pm.
- Future prospects were not added while determining loss of dependency. Future prospects to the extent 40% of monthly income needs to be added as the deceased was 15 years of age at the time of accident.
- No multiplier was applied by learned Tribunal. In view of age of deceased the multiplier of ‘18’ ought to have been granted.
- Appropriate compensation amount needs to be granted under the heads loss of consortium, funeral expenses and loss of estate in accordance with law laid down by Hon’ble Supreme Court.

6. *Per contra*, learned counsel for the respondent No.1-State has argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

7. Learned Tribunal has assessed and granted consolidated compensation of Rs. 40,000/-. Learned Tribunal has awarded compensation

without assessing notional income of deceased on the some basis. Ld. Tribunal ought to have determined the income of deceased on the basis of minimum wages payable to unskilled workman in absence of any income proof and ought to have determined compensation after applying future prospects, multiplier and by deducting personal expences.

8. In order to prove income, appellant-claimant have only relied upon oral assertions. No corroborative material was placed to show that deceased was earning by knitting and embroidery work. Admittedly, the age of deceased was 15 years at the time of accident and she was survived by her parents. The notional income of Rs.992/- per month, equivalent to minimum wages payable to unskilled worker in 1992 needs to be taken in case of minor aged 15 years as was held in **Devendra Kumar Tripathi & Ors. Vs. The Oriental Insurance Company Ltd. & Anr.**, Civil Appeal No. 14756 of 2025 [Special Leave Petition (C) No. 2195 of 2024], decided on 15.12.2025 : 2025 INSC 1429. Accordingly, income of deceased is taken as Rs.992/- per month.

9. Learned Tribunal has not made any addition towards future prospects. The deceased was 15 years of age, hence, as per the law laid down by supreme court in **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680, 40% towards future prospects needs to be taken in consideration while determining loss of dependency. Keeping in view the age of deceased, learned Tribunal ought to have applied multiplier of '18' as mandated in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2017 (16) SCC 680 and deduction of 50% is required to be made towards personal expenses of deceased as she was 15 years old, survived by parents

and unmarried. Further compensation has to be granted under the heads funeral expenses, loss of estate and loss of consortium. Therefore appellant-claimant would be entitled to Rs.7,500/- towards loss of estate and Rs.7,500/- towards funeral expenses and appellant-claimant would also be entitled to Rs.15,000/- each each towards filial consortium.

10. Accordingly, re-worked compensation payable to appellant-claimant is as under:-

Notional Income	Rs. 992/- per month (as per minimum wages payable to unskilled workman)	Rs.992/- per month (as per minimum wages payable to unskilled workman)
Future Prospects	40% (Rs.992+397)	Rs.1,389/-
Deduction towards personal expenses	50% of 1389/-	Rs.694.5/-
Multiplier	18	18
Compensation for Loss of dependency	694.5X12X18	Rs.1,50,012/-
Compensation for Loss of Estate		Rs.7,500/-
Compensation for Funeral Expenses		Rs.7,500/-
Compensation for Filial consortium to clamant Nos.1 and 2	15,000/- X 2	Rs.30,000/-
Total Compensation awarded by the Tribunal	Rs.40,000/-	
Total Compensation awarded in appeal		Rs. 1,95,012/-

Enhanced compensation	1,95,012 (awarded in appeal)- 40,000 (awarded by Tribunal)	Rs.1,55,012/-
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11. Appeal is accordingly allowed in above terms.
Claimant/appellant shall be entitled to enhanced compensation along with 7.5% interest from date of filling claim petition till realization. Apportionment and liability to pay compensation shall be as per the award.
12. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)

JUDGE

21.01.2026

Sunil Chander

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No