IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206(4) **FAO-841-2000 (O&M)**
Date of decision:11.02.2026

Babu Ram and Others …Appellants
Versus
Sham Lal and Others … Respondents

FAO-840-2000 (O&M)
Date of decision:11.02.2026

Balpreet Singh …Appellant
Versus
Sham Lal and Others …Respondents

FAO-842-2000 (O&M)
Date of decision:11.02.2026

Akhita Saini and Another …Appellants
Versus
Sham Lal and Others …Respondents

FAO-579-2000 (O&M)
Date of decision:11.02.2026

Ashita Saini …Appellant
Versus
Sham Lal and Others …Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rishav Jain, Advocate and
Mr. Shivaly Singla, Advocate
for appellant(s).

Mr. Raja B.S. Jain, Advocate (through VC)
for respondent Nos.2 and 6.
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PARMOD GOYAL, J. (ORAL)

Appellants-claimants have filed four appeals which are being taken up together as all the four claim petitions preferred by appellants/claimants were decided by common impugned award dated 20.09.1999, passed by learned Motor Accident Claims Tribunal, Roopnagar (hereinafter referred to as '**Tribunal**'). Appellants-claimants in FAO-841-

2000 being parents and minor children of deceased Brij Kishore (hereinafter referred to as '**deceased**'), aggrieved by the grant of compensation of Rs.3,80,000/- by Tribunal have sought enhancement of compensation. Appellants-claimants in FAO-842-2000 being minor daughters of deceased Alka Saini are aggrieved by the grant of compensation of Rs.1,50,000/- by Tribunal have sought enhancement of compensation. Appellant-claimant-Balpreet Singh in FAO-840-2000 has sought enhancement of compensation of Rs.26,080/- awarded on account of injuries suffered by him. Appellant-claimant-Ashita Saini in FAO-579-2000 being injured aggrieved by grant of compensation of Rs.50,000/- by Tribunal has sought enhancement of compensation by filing the present appeal.

2. Deceased Brij Kishore and Anita had died and appellants-claimants Ashita and Balpreet had suffered injuries in motor vehicular accident which took place on 24.03.1996 on account of rash and negligent driving by respondent No.1 while driving Tata 407 bearing registration No.PB-07C-9123.

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. Appellants-claimants have sought enhanced compensation. On the other hand, learned counsel for respondents has argued that sufficient amount has already been given as compensation in the present case and there

is no scope of any enhancement.

FAO-841-2000 (O&M)

5. The Tribunal in the present case had awarded the following compensation in the claim petition filed by parents and minor children of deceased Brij Kishore:

Income of deceased	Rs.4,063/- per month
Deduction 1/3rd	Rs. 2,600/-
Multiplier	12
Total loss of Income	Rs. 3,74,000/- (2,600x12x12)
Funeral expenses	Rs.5,600/-
Total compensation awarded	Rs.3,80,000/-

6. Learned counsel for appellants-claimants has 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 43 years of age at the time of accident working as Superintendent and his monthly salary was Rs. 8,300/- w.e.f. from 01.01.1996. Learned Tribunal has erred by deducting allowances, considering unrevised salary and took Rs.4,069/- as net payable salary. That income of deceased ought to have been taken as Rs.8,300/- per month as per new pay scales.
- Future prospects were not added while determining loss of dependency. Future prospects to the extent 30% of monthly income needs to be added as the deceased was

43 years of age at the time of accident and was in permanent job.

- Multiplier applied by learned Tribunal is '12' whereas, keeping in view the age of deceased as 43 years old at the time of accident the multiplier of '14' ought to have been granted.
- Deduction towards personal expenses of deceased was taken as 1/3rd instead of 1/4th as the deceased was survived by 4 dependents i.e. parents and two children.
- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of filial and parental consortium in accordance with law laid down by Hon'ble Supreme Court.

7. Admittedly, in order to prove income of deceased, appellants-claimants have duly examined PW-1 Om Parkash, who stated that deceased was working as superintendent in Central Board of Indirect Taxes and Customs. PW-1 had clearly stated before the learned Tribunal that deceased was entitled to get enhanced salary w.e.f. 01.01.1996 and basic pay w.e.f. 01.01.1996 was fixed as Rs.8,300/- per month. However, PW-1 produced old salary slip paid in accordance with previous pay scales, which was applicable prior to 01.01.1996. Accordingly, the learned Tribunal had taken income of deceased to be Rs.4,063/- per month after deductions.

8. I find approach of learned Tribunal to be erroneous. Once it is proved that deceased was entitled to receive new pay scale w.e.f. 01.01.1996 in that case payment made on the basis of previous pay scale cannot be taken as income of deceased. Income of deceased stood revised prior to his death. Deceased had died on 24.03.1996, whereas he became entitled to receive

new pay scale w.e.f. 01.01.1996 wherein basic salary was Rs.8,300/- per month. Therefore, monthly income of deceased needs to be taken as Rs.8,300/-. I also find merit in the contention raised on behalf of learned counsel for appellants-claimants that learned Tribunal has erred in deducting 1/3rd towards personal expenses of deceased especially when claim petition was preferred by parents and two minor daughters of deceased. The personal expenses ought to have been 1/4th instead of 1/3rd. No future prospects were taken into consideration by learned Tribunal. Deceased was 43 years old at the time of accident and in view of **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC, appellants-claimants were entitled to take into consideration future prospects while calculating loss of dependency. Deceased was a regular employee with Central Government and therefore 30% towards future prospects need to be added in view of fact that deceased was 43 years old. Same is accordingly awarded. Keeping in view age of the deceased 43 years old, multiplier of '14' would be applicable in present case instead of '12' as awarded by learned Tribunal. Appellants-claimants shall also be entitled to Rs.15,000/- each towards loss of filial and parental consortium, Rs.7,500/- each towards loss of estate and funeral expenses apart from loss of dependency.

9. Accordingly, the reworked compensation payable to appellants-claimants is as under:-

Income of deceased	Rs.8,300/- per month	Rs.8,300/- per month
Deduction	$1/4^{th}$ (8300-2075)	Rs.6,225/-
Future Prospects	30% (6225+1867)	Rs.8,092/-

Multiplier	14	14
Total loss of dependency	Rs.8,092x14x12	Rs.13,59,456/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Filial consortium to Claimant Nos.1 & 2	Rs.15,000/-x2	Rs.30,000/-
Parental consortium to Claimant No. 3	Rs.15,000/-x2	Rs.30,000/-
Compensation awarded by Tribunal	Rs.3,80,000/-	
Compensation awarded in appeal		Rs.14,34,456/-
Enhancement of compensation	Rs.14,34,456/- (as awarded in appeal)- Rs.3,80,000/-(as awarded by Tribunal)	Rs.10,54,456/-

FAO-840-2000

10. Learned counsel for injured-appellant-claimant has sought enhancement in compensation on following grounds that:-

- Learned Tribunal has erred in not granting compensation on the basis of functional disability which is 50% (in view of permanent disability of 10%).
- Future prospects were not added while determining loss of earning capacity. Future prospects to the extent 40% of monthly income needs to be added as the injured-appellant-claimant was 14 years of age at the time of accident.
- Learned Tribunal has erred in not applying multiplier as per the age of the appellant-claimant. Multiplier of '18' ought to have been applied by the learned Tribunal.
- Compensation for loss of future prospects and future amenities, for loss of income during treatment and for

future medical expenses has not been granted to which appellant-claimant is entitled to.

- Compensation under heads medical expenses, other expenses and pain and sufferings being insufficient in view of nature of injury, nature of treatment and period of hospitalization, needs to be enhanced.

11. Since in the present case record is not available, as it is a burnt case, the disability certificate of injured-appellant-claimant which was duly produced as Ex. P-19 before the learned Tribunal is neither available on Court record nor with the parties. The only material available is the award passed by learned Tribunal, wherein learned Tribunal had duly noticed evidence of Dr. Alok G. Lalwani who appeared as PW-4, treatment file which is Ex. P-9, disability certificate Ex. P-19 and medical bills Ex. P-14 to Ex. P-17.

12. Learned Tribunal duly noticed that the appellant-claimant had suffered 10% permanent disability and in the absence of any record, functional disability is taken equivalent to the permanent disability as assessed by doctor. Being a case of hip dislocation, it would have resulted in hampered leg movement causing loss of earning capacity due to permanent disability to the appellant-claimant.

13. In **Devendra Kumar Tripathi & Ors. Vs. The Oriental Insurance Company Ltd. & Anr.**, 2026 (1) DNJ 12, Hon’ble Supreme Court had held that in a case of minor child notional income needs to be determined as per minimum wages with 40% future prospects. In case of 14 years child, multiplier of ‘15’ was applied. Hon’ble Supreme Court in **Smt.**

Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr., 2017 (16) SCC 680 had prescribed multiplier of '18' for age group of 15 to 20 years and 21 to 25 years. In **Birbal and Another Vs. Bhalla and Ors.**, FAO No.3408 of 2004 decided on 03.02.2026, multiplier method for children of different age group was adopted by this Court. It was held that multiplier on the basis of age groups needs to be applied to ensure uniformity. Taking clue from multiplier based system upon reduced dependency with age (as approved in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.** (supra), similar method needs to be adopted in a case of child, who would remain dependent on his parents for number of years before he attains adulthood, to achieve uniformity in payment of compensation. It was held appropriate to award multiplier of '15' in case of child aged between 11 to 14, multiplier of '12' in a case of child aged between 06 to 10 years and multiplier of 10 in case of child between 03 to 05 and multiplier of '9' in case of child in the age group of 0 to 03 years. The above noted multiplier would offset period of dependency of deceased on his/her parents. It was held that multiplier of '15' be applied in case child is in the age group of 11 to 14 years. Therefore, multiplier of '15' is adopted in present case to determine loss of earning capacity. In present case, since deceased was 13 years old, multiplier of '15' would be appropriate for the purposes of determining loss of earning capacity. Accordingly, multiplier of '15' is taken for calculating loss of earning capacity of the injured claimant. Since, appellant-claimant was minor and on attainment of adulthood, he would have definitely earned his livelihood and had minimum potential equivalent to unskilled worker, therefore, his notional income is taken as Rs.1,448/-.

Appellant-claimant has also succeeded in proving that he had spent around Rs.6,080/- vide bills, Ex. P-14 to Ex. P-17. Accordingly, appellant-claimant shall also be entitled to amount of Rs.12,000/- towards medical expenses, special diet, transportation and attendant expenses.

14. No interference is required as regards to compensation on account of pain and sufferings to the extent of Rs.20,000/-. However appellant-claimant shall also be entitled to loss of future prospects as well as future amenities of life. Appellant-claimant is young boy of 14 years and 10% permanent disability would definitely impact his prospects of marriage and restrict enjoyment of amenities of life through out. Accordingly, taking into consideration extent of disability and number of years for which appellant-claimant had to undergo loss of amenities, an amount of Rs.50,000/- is awarded towards loss of future amenities and future prospects. No compensation for loss of income during treatment as well as future medical expenses is made out as appellant-claimant was 14 years old and was not earning at the time of accident and no evidence has been led to show that he requires treatment in future.

15. Appellant-claimant shall be entitled to following re-worked compensation:-

Income	Rs.1,448/- (as per minimum wages)	Rs.1,448/-
Future Prospects	40% (1448+579)	Rs.2,027/-
10 % Functional disability	10% of Rs.2,027/-	Rs.203/-
Multiplier	15	15
Total Loss of	Rs.203x15x12	Rs.36,540/-

earning capacity		
Pain and Sufferings	Rs.20,000/- (as awarded by the Tribunal)	Rs.20,000/-
Medical expenses, attendant and transportation charges and special diet	Rs.6080/- (as awarded by the Tribunal)	Rs.12,000/-
Loss of future amenities and future prospects		Rs.50,000/-
Compensation awarded by Tribunal	Rs.26,080/-	
Compensation awarded in appeal		Rs.1,18,540/-
Enhanced amount of compensation	Rs. 1,18,540/- (as awarded in appeal) – Rs.26,080/- (as awarded by Tribunal)	Rs.92,460/-

FAO-842-2000

16. Learned Tribunal has granted following compensation in the claim petition preferred by children of deceased Smt. Alka Saini:

Income	Rs.1,000/- per month
Multiplier	12
Total Loss of dependency	Rs.1,44,000/- (Rs.1,000x12x12)
Funeral Expenses	Rs.6,000/-
Total compensation awarded	Rs.1,50,000/-

17. Learned counsel for appellants-claimants have sought enhancement of 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 39 years of age at the time of accident and was a home-maker. Learned Tribunal ought to have taken income of deceased as per the minimum wages payable to unskilled worker prevalent at the time of accident.

- 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 39 years of age at the time of accident.

- Multiplier applied by learned Tribunal is ‘12’ whereas, keeping in view the age of deceased as 39 years old at the time of accident the multiplier of ‘15’ ought to have been granted.

- Deduction towards personal expenses of deceased ought to have been made to the extent of $1/3^{rd}$ as the deceased was survived by two minor daughters.

- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of filial and parental consortium in accordance with law laid down by Hon’ble Supreme Court.

18. Merely because deceased was housewife, her contribution towards family cannot be considered any lesser than an earning member. A housewife contributes immensely towards the welfare of family and her contribution cannot be less than an earning member, who would have earned and contributed to the family in cash. This view of mine find support from **Kirti Singh and Anr. Vs. Oriental Insurance Company Ltd.** 2021 (1) RCR (Civil) 478. The deceased in the present case was 39 years of age and was a home-maker. The minimum wage for an unskilled worker prevailing at the time of the accident was admittedly Rs.1,448/- per month. Hence, the

income of the deceased is assessed as Rs.1,448/- per month. Age of the deceased was admittedly 39 years at the time of accident, hence, 40% future prospects ought to be awarded in terms of the decision of the Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.** (supra). The number of claimants are two, hence, in view of mandate in **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.** (supra), 1/3rd deduction would be applicable. Keeping in view age of the deceased as 39 years multiplier of '15' would be applicable. Further, the compensation awarded under the conventional heads and under the head 'loss of consortium' is not just and sufficient and needs to be enhanced. Appellants-claimants would be entitled to Rs.7,500 towards loss of estate and Rs.7,500/- towards funeral expenses and the appellants-claimants i.e. the two minor daughters of the deceased would also be entitled to Rs.15,000/- each towards loss of parental consortium.

19. Accordingly reworked compensation awarded to appellants-claimants is as under:

Income	Rs.1,448/- per month (as per minimum wages)	Rs.1,448/-
Future Prospects	40% (1448+579)	Rs.2,027/-
Deduction	1/3rd (2027-676)	Rs.1,351/-
Multiplier	15	15
Total Loss of dependency	Rs.1,351x12x15	Rs.2,43,180/-
Funeral Expenses		Rs.7,500/-
Loss of estate		Rs.7,500/-
Loss of parental consortium to claimant nos. 1& 2	Rs.15,000x2	Rs.30,000/-

Compensation awarded by Tribunal	Rs.1,50,000/-	
Compensation awarded in appeal		Rs.2,88,180/-
Enhanced amount of compensation	Rs.2,88,180/-(as awarded in appeal) – Rs.1,50,000/-(as awarded by Tribunal)	Rs.1,38,180/-

FAO-579-2000

20. Learned counsel for injured-appellant-claimant has sought enhancement in compensation on following grounds that:-

- Learned Tribunal has erred in not granting compensation on the basis of functional disability in light of 25% permanent disability.
- Future prospects were not added while determining loss of earning capacity. Future prospects to the extent 40% of monthly income needs to be added as the injured-claimant was 14 years of age at the time of accident.
- Learned Tribunal has erred in not applying multiplier keeping in view age of the injured-claimant to be 14 years. Multiplier of '15' ought to have been applied by the learned Tribunal.
- Compensation for loss of future prospects and future amenities, for loss of income during treatment and for future medical expenses has not been granted to which appellant-claimant is entitled to.
- Enhancement of compensation of medical expenses and other expenses and pain and sufferings being insufficient in view of nature of injury, nature of treatment and period of hospitalization, was sought.

21. Since in the present case record is not available, as it is a burnt case, the disability certificate of appellant-claimant which was duly produced as Ex. P-18 issued by civil surgeon, Ropar before the learned Tribunal is neither available on Court record nor with the parties. The only material available is the award passed by learned Tribunal, wherein learned Tribunal had duly noticed evidence of Dr. Alok G. Lalwani who appeared as PW-4, treatment file which is Ex. P-8, disability certificate Ex. P-18 and medical bills Ex. P-8, Ex. P-11, Ex. P-12 and Ex-P13.

22. Learned Tribunal duly noticed that the appellant-claimant had suffered 25% permanent disability and in the absence of any record, functional disability is taken equivalent to the permanent disability as assessed by doctor. Being a case of fracture of both the legs and one arm, it would have resulted in hampered leg movement causing loss of earning capacity due to permanent disability to the appellant-claimant.

23. In view of **Devendra Kumar Tripathi & Ors. Vs. The Oriental Insurance Company Ltd. & Anr.** (supra), **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.** (supra), and **Birbal and Another Vs. Bhalla and Ors.** (supra), multiplier has to be awarded keeping in view age group of child. In present case, since deceased was 13 years old, multiplier of ‘15’ would be appropriate for the purposes of determining loss of earning capacity. Accordingly, multiplier of ‘15’ is taken for calculating loss of earning capacity of the injured claimant. Since, appellant-claimant was minor and on attainment of adulthood, he would have definitely earned his livelihood and had minimum potential equivalent to unskilled worker,

therefore, his notional income is taken as Rs.1,448/-. Appellant-claimant has also succeeded in proving that he had spent around Rs.11,078/- vide bills, Ex. P-8, Ex-P-11, Ex-P-12 and Ex-P-13. Accordingly, appellant-claimant shall also be entitled to amount of Rs.18,000/- towards medical expenses, special diet, transportation and attendant expenses.

24. However appellant-claimant shall also be entitled to loss of future prospects as well as future amenities of life. Appellant-claimant is young girl of 14 years and 25% permanent disability would definitely impact her prospects of marriage and restrict enjoyment of amenities of life through out. Accordingly, taking into consideration extent of disability and number of years for which appellant-claimant had to undergo loss of amenities, an amount of Rs.75,000/- is awarded towards loss of future amenities and future prospects. No compensation for loss of income during treatment as well as future medical expenses is made out as appellant-claimant was 14 years old and was not earning at the time of accident and no evidence has been led to show that he requires treatment in future.

25. Appellant-claimant shall be entitled to following re-worked compensation:-

Income	Rs.1,448/- (as per minimum wages)	Rs.1,448/-
Future Prospects	40% (1448+579)	Rs.2,027/-
25% Functional disability	25% of Rs.2,027/-	Rs.507/-
Multiplier	15	15
Total Loss of earning capacity	Rs.507x15x12	Rs.91,260/-
Pain and Sufferings		Rs.20,000/-

Medical expenses, attendant and transportation charges and special diet	Rs.11,078- (as awarded by Tribunal)	Rs.18,000/-
Loss of future amenities and future prospects		Rs.75,000/-
Compensation awarded by Tribunal	Rs.50,000/-	
Compensation awarded in appeal		Rs.2,04,260 /-
Enhanced amount of compensation	Rs.2,04,260/- (as awarded in appeal) – Rs.50,000/- (as awarded by Tribunal)	Rs.1,54,260/-

26. In all the four appeals, appellant(s)-claimant(s) shall also be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petitions till its realization. The apportionment and liability of respondents to pay compensation shall be as per award.

27. Appeals are accordingly allowed in above terms.

28. Pending application(s), if any, is/are disposed of accordingly. Photocopy of this order be placed on the file of connected cases.

(PARMOD GOYAL)
JUDGE

11.02.2026
Sunil Chander

Whether speaking/reasoned : Yes
Whether reportable : Yes