



420

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

FAO-1520-2024 (O&M)
Date of decision: 23.03.2026

Sharvan Kumar and another

...Appellants

Versus

Ravinder and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajay Kadyan, Advocate for the appellants.

Mr. Arman Goyal, Advocate for respondent Nos.1 and 2.

Mr. Rajneesh Malhotra, Advocate and
Ms. Manvi Verma, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

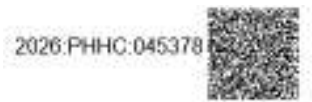
1. The parents of the deceased-Sahil, who was aged about 3 years at the time of accident, have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, vide award dated 03.10.2023 had awarded an amount of compensation of Rs.9,10,000/- to the claimants along with interest on account of death of Sahil which had occurred in a motor vehicular accident which took place on 03.05.2021. The only issue that arises for consideration before this Court is whether the appellants are entitled to additional compensation or not as other aspects are not being disputed.

ARGUMENTS ON BEHALF OF THE APPELLANTS:-



2. Learned counsel for the appellants has submitted that in the present case, income of the deceased-Sahil was taken as Rs.50,000/- per annum i.e., Rs.4166/- per month. It is submitted that as per the latest judgments of the Hon'ble Supreme Court passed in the case of **Baby Sakshi Greola Vs. Manzoor Ahmad Simon and another** reported as **2025(1) RCR (Civil) 238** as well as in the case of **Karuna Parmar Vs. Prakash Sinha and others and other connected matter**, reported as **2025 INSC 1244**, it has been held that the deceased child is not to be given notional income but the minimum salary is to be assessed by taking into consideration the minimum wages payable to a skilled worker in the concerned State as the said amount would be the minimum amount which the child would be able to earn when the child becomes a major. It is submitted that in view of the abovesaid judgments, the minimum wages payable to the skilled worker w.e.f. 01.09.2021 in the State of Haryana was Rs.11,233.18 and it is submitted that thus, monthly income of the deceased should be taken as Rs.11,233.18.

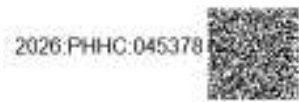
3. It is further argued that in the present case, multiplier which had been applied by the Tribunal was '16' which is on the lower side whereas multiplier in the present case should have been applied as '18'. It is submitted that the Hon'ble Supreme Court in the case of **Abhimanyu Partap Singh Vs. Namita Sekhon and another**, reported as **2022(3) PLR 99**, had after taking into consideration the law laid down in various judgments observed that in the case of a 5½ years old child, multiplier of '18' would apply. It is further submitted that while awarding an amount on account of loss of estate and transportation and funeral expenses as well as loss of consortium, the Tribunal has not taken into consideration the 10%



increase after every three years. It is thus, submitted that the appellants would be entitled to an additional compensation of Rs.16,49,366/- and the said additional compensation should be awarded to the appellants along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation and the detailed chart regarding the same has been handed over by the counsel which is reproduced hereinbelow:-

“FAO NO. 1520 OF 2024
APPELLANT HEREIN: CLAIMANT (S)
DATE OF ACCIDENT: 03.05.2021
NATURE OF CASE: DEATH
AGE OF DECEASED: 3 years
LIABILITY TO PAY COMPENSATION: Respondent No.3
(Insurance Company). National insurance company limited
DRIVING LICENCE/ROUTE PERMIT/INSURANCE: NIL
DETAILS OF RELIEF GRANTED/CLAIMED

DETAILS	BEFORE THE TRIBUNAL	COMPENSATION CLAIMED AS PER JUDGEMENTS OF SARLA VERMA, PRANAY SETHI & MAGMA GENERAL INSURANCE
INCOME	MONTHLY:Rs.4166/- ANNUAL: Rs. 50,000/-	MONTHLY:Rs.11,233.18/- ANNUAL: Rs. 134,798.16/-
DEDUCTION	NA	NA
FUTURE PROSPECTS	NA	NA
MULTIPLIER	16 (16*50,000=8,00000/-)	18 (18*134,798.16=24,26,366.88)
LOSS OF ESTATE	Rs.15,000/-	Rs. 18,150/-



TRANSPORTATION AND FUNERAL EXPENSES	Rs. 15,000/-	Rs. 18,150/-
LOSS OF CONSORTIUM	40,000/-	Rs.48,400/- each i.e., 48,500*2=97,000/-
MEDICAL BILLS	nil	Rs. nil
TOTAL COMPENSATION	Rs.9,10,000/-	Rs. 25,59,366.88/-
INTEREST	7.5%	9%

Sd/- Ajay
Advocate for the appellants”

ARGUMENTS ON BEHALF OF RESPONDENT NO.3:-

4. Learned counsel for respondent No.3-Insurance Company, on the other hand, has submitted that minimum wages which should be applicable in the present case should not be that of a skilled labourer but should be of an unskilled labourer. It is further submitted that the rate of interest which is sought to be claimed by the appellants i.e., 9% per annum is highly excessive and the highest rate of interest that can be awarded on the additional amount of compensation is at best 6% per annum.

ANALYSIS AND FINDINGS:-

5. This Court has heard learned counsel for the parties and has perused the paper book.

6. The first issue which requires consideration is as to what amount could be assessed as monthly income of the deceased who was admittedly three years of age at the time of accident. The Tribunal had taken yearly income of the deceased as Rs.50,000/- while assessing the compensation. The Hon’ble Supreme Court in the case of *Karuna Parmar* (Supra), while examining the case of a six years old child and after taking



into consideration the law laid down in the case of ***Baby Sakshi Greola*** (Supra), had observed that while assessing the income, the minimum wages payable to a skilled workman, in the concerned State, is required to be taken into consideration in the case of a deceased child, as the deceased child would be able to earn the same on becoming a major. Relevant portion of the said judgment is reproduced hereinbelow:-

“Deceased Child

14. *Coming to the case of the deceased child, we are not inclined to accept the reasoning of the Tribunal on the yearly income. Recently, in **Baby Sakshi Greola v. Manzoor Ahmad Simon and Another** 2024 SCC Online SC 3692, J. B.R. Gavai, writing for the bench, has elaborated that:*

"29. This Court in the case of Kajal (supra) has held that taking notional income is not the correct approach. Instead, the minimum wages payable to a skilled workman in the concerned State has to be taken into consideration because, that would be the minimum amount which she would have earned on becoming a major. In this case, the minimum wage payable to a skilled workman in the State of Delhi at the time of the accident, i.e., 2nd June 2009, was Rs. 4,358/- per month."

(Emphasis supplied)"

7. It is not in dispute that w.e.f., 01.09.2021, the minimum wages payable to a skilled worker in the State of Haryana was Rs.11,233.18 and thus, keeping in view the law laid down in the abovesaid judgments, claim made by the appellants to the effect that the monthly income of the deceased should be taken as Rs.11,233.18 is in accordance with law and deserves to be accepted.



8. The second question that arises for adjudication before this Court is as to whether the multiplier of '18' is required to be taken into consideration in the present case as has been argued on behalf of the appellants. The Hon'ble Supreme Court in the case of ***Abhimanyu Partap Singh*** (Supra) while considering the case of a claimant who was 5½ years of age and who was seriously injured had observed that multiplier of '18' should be applied in the same. Para 15 of the said judgment is reproduced hereinbelow:-

*“15. It is also relevant to observe that in the judgment of ***Sarla Verma (Smt.) & Others v. Delhi Transport Corporation and Another - (2009) 6 SCC 121*** and ***National Insurance Company Limited v. Pranay Sethi & Others - (2017) 16 SCC 680***, while replacing the schedule of Motor Vehicle Act, it is not made clear what multiplier would be applicable below the age of. ***In the case of Kajal (supra) the injured was 12 years of the age, however, the multiplier of 18 has been applied.*** Therefore, taking guidance from the judgment of *Kajal (supra)*, for determination of the compensation in the ***present case, the multiplier of 18 shall be applicable.***”*

A perusal of the above would show that reference was also made to the judgment of the Hon'ble Supreme Court in the case of ***Kajal Vs. Jagdish Chand*** reported as ***(2020) 4 SCC 413***, in which the injured/claimant was 12 years of age and the multiplier applied was '18' and thus, for the claimants-injured, who was 5½ years of age and 12 years of age, multiplier of '18' was applied. This Court finds no reason to not apply the same multiplier i.e., of '18' in the present case where the deceased was three years of age at the time of the accident. Accordingly, the



multiplier of '18', as sought to be applied by the counsel for the appellants, would be an appropriate multiplier in the present case also. The amount on account of loss of estate, transportation and funeral expenses as well as loss of consortium has been rightly mentioned in the calculation chart of the appellants as benefit of 10% increase after every three years is required to be given and also since there are two claimants and as per the settled law, each of the claimants is entitled to a separate amount on account of loss of consortium and thus, the amounts as mentioned in the chart are in accordance with law and deserve to be granted. In the said circumstances, the appellants are entitled to an amount of Rs.16,49,366/- as an additional compensation. With respect to the rate of interest, this Court has been consistently awarding rate of interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

9. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 03.10.2023 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.16,49,366/- to the appellants along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of six weeks from today.

10. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

23.03.2026

Pawan

**Whether speaking/reasoned:-
Whether reportable:-**

**(VIKAS BAHL)
JUDGE**

**Yes/No
Yes/No**