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

**212** **FAO-4463-2001 and**
**FAO-2274-2002**
**Date of decision :17.02.2026**

**PARKASH AND ANOTHER ... APPELLANTS**

**VERSUS**

**ADARSH VERMA AND OTHERS ...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Ms. Ekta Thakur, Advocate and
Ms. Kulwinder Kaur, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for the respondent-Insurance Company.

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**PARMOD GOYAL, J. (ORAL)**

Appellants-claimants have filed two appeals which are being taken up together as both the claim petitions preferred by appellants-claimants were decided by common impugned award dated 14.09.2008, passed by learned Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as '**Tribunal**'). Appellants-claimants in FAO No. 4463 of 2002 being husband and minor daughter of deceased Rupa Devi (hereinafter referred to as '**deceased**'), aggrieved by the grant of compensation of Rs.2,38,400/- and appellants-claimants in FAO No.2274 of 2001 being father and sister of the deceased being aggrieved by the grant of compensation of Rs.50,000/- by learned Tribunal have sought enhancement of compensation.

2. It is the case of the appellants-claimants that deceased Rupa Devi and minor child Amit died in motor vehicular accident which took place on 27.12.1999 on account of rash and negligent driving by respondent No.1 while driving Tata 407 bearing registration No.CH-01-K-7421.

3. Since in present appeal the only issue raised by appellants-claimants is with 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. However, 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 No. 4463 of 2001**

5. The Tribunal in the present case had awarded the following compensation in the claim petition filed by the husband and minor daughter of deceased Rupa Devi:

| | |
|---|---|
| Income | Rs. 1,800/- per month |
| Deduction | 1/3rd |
| Multiplier | 16 |
| Medical expenses | Rs.8,000/- |

| | |
|---|---|
| Total compensation awarded | Rs.2,38,400/- |

6. 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 26 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 26 years of age at the time of accident.
- Multiplier applied by learned Tribunal is '16' whereas, keeping in view the age of deceased as 26 years old at the time of accident the multiplier of '17' ought to have been granted.
- 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. 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 terms of money. This view of mine find support from **Kirti Singh & Anr. Vs. Oriental Insurance Company Ltd.,** 2021 (1) RCR (Civil) 478. The

deceased in the present case was 26 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.2,100/- per month. Therefore, income of deceased is taken as Rs.2,100/- per month. Age of the deceased was admittedly 26 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 & Ors.,** 2017 (16) SCC 680. Keeping in view age of the deceased as 26 years multiplier of '17' 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. Deceased is survived by three dependents therefore, 1/3rd amount of income needs to be deducted towards personal expenses of deceased. Appellants-claimants would be entitled to Rs.7,500 towards loss of estate and Rs.7,500/- towards funeral expenses and the appellants-claimants-husband and minor daughter of the deceased would also be entitled to Rs.15,000/- each towards loss of spousal consortium and parental consortium.

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

| | | |
|---|---|---|
| Income | Rs.2,100 /- per month (as per minimum wages) | Rs.2,100/- |
| Future Prospects | 40% (2100+840) | Rs.2,940/- |
| Deduction | 1/3rd (2940-980) | Rs.1,960/- |
| Multiplier | 17 | 17 |
| Total Loss of dependency | Rs.1,960x17x12 | Rs.3,99,840/- |

| | | |
|---|---|---|
| Funeral Expenses | | Rs.7,500/- |
| Loss of estate | | Rs.7,500/- |
| Loss of spousal consortium to claimant Nos.1 | | Rs.15,000/- |
| Loss of parental consortium to claimant No.2 | | Rs.15,000/- |
| Compensation awarded by Tribunal | Rs.2,38,400/- | |
| Compensation awarded in appeal | | Rs.4,44,840/- |
| Enhanced amount of compensation | Rs.4,44,840 /-(as awarded in appeal) – Rs.2,38,400/-(as awarded by Tribunal) | Rs.2,06,440/- |

**<u>FAO No. 2274 of 2002</u>**

9. The Tribunal in the present case awarded Rs.50,000/- lumpsum compensation to the deceased – Amit, minor child.

10. Learned counsel for appellants-claimants has sought enhancement in compensation on following grounds that:-

- That the income of the deceased was not taken by learned Tribunal. That deceased was about 4 years 2 months years of age 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 4 years 2 months of age at the time of accident.
- Deduction towards personal expenses of deceased ought to be 50% as the deceased was survived by father.
- No multiplier was applied by the ld. Tribunal. In view of age of deceased multiplier of '9' ought to be applied.
- 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.

11. 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. Taking clue from multiplier based system upon reduced dependency with age (as approved in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.** (supra), it was held that 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. In **Birbal & Anr. 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. 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 12 years old, multiplier of '15' would be appropriate for the purposes of determining loss of earning capacity. Accordingly, multiplier of '9' is taken for calculating loss of dependency. Since, deceased was a minor at the time of accident, his notional income is taken as Rs.2,100/- per month.

12. Learned Tribunal has not made any addition towards future prospects. The deceased was about 4 years 2 months 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 '9' as mandated in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, (supra) and deduction of 50% is required to be made towards personal expenses of deceased as he was about 4 years 2 months old, survived by his father and sister. Further, compensation has to be granted under the head funeral expenses, loss of estate and loss of consortium. Therefore, appellants- claimants would be entitled to Rs.7,500/- towards loss of estate and Rs.7,500/- towards funeral expenses and appellants-claimants would also be entitled to Rs.15,000/- towards filial consortium.

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

| | | |
|---|---|---|
| Income of deceased | Rs.2,100/- | Rs.2,100/- |

| | | |
|---|---|---|
| | (as per minimum wages) per month | per month |
| Deduction | 1/2 (2,100 – 1,050) | Rs.1,050/- |
| Future Prospects | 40% (1050 + 420) | Rs.1,470/- |
| Multiplier | 9 | 9 |
| Total loss of dependency | Rs.1,470 x 9 x 12 | Rs.1,58,760/- |
| Loss of estate | | Rs.7,500/- |
| Funeral expenses | | Rs.7,500/- |
| Filial consortium to Claimant Nos.1 | | Rs.15,000/- |
| Compensation awarded by Tribunal | Rs.50,000/- | |
| Compensation awarded in appeal | | Rs.1,88,760/- |
| Enhancement of compensation | Rs.1,88,760/- (as awarded in appeal)- Rs.50,000/- (as awarded by Tribunal) | Rs.1,38,760/- |

14. In both the 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.

15. Appeal is accordingly allowed in above terms.

16. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

17.02.2026 **(PARMOD GOYAL)**
manoj **JUDGE**

Whether speaking/reasoned Yes
Whether reportable Yes/No