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

217 **FAO-3408-2004 (O&M)**
Date of decision:03.02.2026

BIRBAL AND ANOTHER **...APPELLANTS**

VERSUS

BHALLA AND ORS **...RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Baljeet Nain, Advocate
for the appellants.

Mr. Kamlesh, Advocate for
Mr. Shalender Mohan, Advocate
for respondent Nos. 1 and 2.

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<u>PARMOD GOYAL, J. (ORAL)</u>

<u>CM-13902-CII-2004</u>

This is an application for condonation of delay of 488 days in filing the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 488 days in filing the present appeal, is hereby condoned.

<u>Main Case</u>

1 Present appeal has been preferred by the appellants-claimants being parents of deceased–Mandeep (hereinafter referred to as the '**deceased'**), who died in motor vehicular accident which took place on 09.03.2000, on account of rash and negligent driving of respondent no. 1 while driving truck bearing registration No. HR-16-7859.

2. Being aggrieved by the impugned award dated 11.12.2002, passed by the Motor Accident Claims Tribunal, Hisar (hereinafter referred to as '**Tribunal**'), vide which the appellants-claimants were found entitled to total compensation of Rs. 52,000/- only, 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:

Compensation on account of death of deceased	Rs. 50,000/-
Transportation charges	Rs. 2,000/-
Total compensation awarded	Rs. 52,000/-

5. Learned Counsel for claimants-appellants have sought enhancement in compensation on following grounds that:

- Income of deceased was not assessed by learned Tribunal. That deceased was 12 years of age and a student of 4th class 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 12 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 and 2 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 counsel for appellants-claimants has argued that notional income of deceased equivalent to minimum wages being earned by unskilled worker needs to be taken as after attaining adulthood that was the minimum amount which deceased would have earned. On the other hand, it is also argued that multiplier of '18' needs to be applied after taking into consideration future prospects.

8. Learned counsels for respondents have asserted that deceased was

just 12 years old, was non-earning member and would have taken long time to earn his livelihood, therefore, the lump-some amount by learned Tribunal needs to be upheld.

9. Deceased was 12 years old, student of 4th class. No material was placed to show that deceased was earning by helping his father in agricultural pursuits. Learned Tribunal has assessed and granted consolidated compensation of Rs.52,000/-. Learned Tribunal has awarded compensation without assessing notional income of deceased.

10. The issue, therefore, in present case would be as to what multiplier needs to be applied in a case of child to determine loss of dependency, when said child is non-earning and would remain dependent for some time on his parents. The second issue would be as to what notional income in view of fact that deceased was not earning needs to be taken.

11. While calculating loss of dependency, Courts have to keep in mind potential of deceased to evaluate loss of dependency. Even deceased child, if had lived, would have earned and supported his dependents on attaining adulthood, therefore, it is the potential income which has to be taken as notional income in such cases, where deceased was a minor child. Learned Tribunal ought to have determined the income of deceased on the basis of minimum wages payable to unskilled worker in absence of any income proof and ought to have determined compensation after applying future prospects,

multiplier and by deducting personal expenses even in case of a minor aged 12 years. The best way to take potential income as notional income is by determining income on the basis of minimum wages payable to unskilled worker taking the child to have earned minimum that much amount on attainment of adulthood.

12. 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. It was further prescribed that multiplier on the basis of age groups needs to be applied to ensure uniformity. Multiplier of '5' was recommended for 65 to 70 years. Taking clue from multiplier based system upon reduced dependency with age 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. Therefore, children/adult from 15 to 20 years are entitled to award of 18 as multiplier. Multiplier of '15' for the children falling in the age group of 11 to 14 would be appropriate as applied by Hon'ble Supreme Court in **Devendra Kumar Tripathi & Ors. Vs. The Oriential Insurance Company Ltd. & Anr.**

(supra). It would be appropriate if the multiplier of ‘12’ is awarded in a case of child aged between 06 to 10 years and multiplier of 10 would be appropriate in case of child between 03 to 05 and multiplier of ‘9’ would be appropriate in case of child in the age group of 0 to 03 years. The above noted multliplier would offset period of dependency of deceased on his/her parents. In present case, since deceased was 13 years old, multiplier of ‘15’ would be appropriate for the purposes of determining loss of dependency.

13. Learned Tribunal has not made any addition towards future prospects. The deceased was 12 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. Deduction of 50% is required to be made towards personal expenses of deceased as deceased was survived by parents. 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 towards filial consortium.

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

Notional Income	Rs. 1,915/- per month (as per minimum wages payable to unskilled	Rs.1,915/- per month

	worker)	
Future Prospects	40% (Rs.1,915+766)	Rs.2,681/-
Deduction towards personal expenses	50% of 2681/-	Rs.1,341/-
Multiplier	15	15
Compensation for Loss of dependency	1341X12X15	Rs.2,41,380/-
Compensation for Loss of Estate		Rs.7,500/-
Compensation for Funeral Expenses		Rs.7,500/
Filial consortium to clamant Nos.1 and 2	15,000/- X 2	Rs.30,000/-
Total Compensation awarded by the Tribunal	Rs.52,000/-	
Total Compensation awarded in appeal		Rs.2,86,380/-
Enhanced compensation	Rs.2,86,380/- (awarded in appeal)- 52,000/- (awarded by Tribunal)	Rs.2,34,380/-

15. 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. The apportionment and liability of respondents to pay compensation shall be as per award. The enhanced amount be paid to bank accounts of appellants-claimants without insisting to deposit

the same in FDR.

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

03.02.2026 **(PARMOD GOYAL)**
Sunil Chander **JUDGE**

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No