



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

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FAO-4215-2003 (O&M)
Date of decision:27.01.2026

Jagan Nath and Another

...Appellants

Versus

Manjit Singh and Others

...Respondents

FAO-4216-2003 (O&M)
Date of decision:27.01.2026

Ramesh Kumar and Another

...Appellants

Versus

Manjit Singh and Others

...Respondents

FAO-4288-2003 (O&M)
Date of decision:27.01.2026

Bhagwan Dass and Another

...Appellants

Versus

Manjit Singh and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for appellants.

Mr. Deepak Suri, Advocate with
Mr. Brij Bhusan, Advocate
for respondent No.3-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants being parents of deceased – Sunil Kumar, Deepak Kumar, Anil Kumar (hereinafter referred to as the ‘**deceased**’), who died in motor vehicular accident which took place on 19.02.1997, on account of rash and negligent driving by driver of Tata-407 bearing registration No.DDL-1189.

2. Being aggrieved by the impugned award dated 28.07.2003, 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.1,25,000/- each in their respective claim petitions, 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 respective claim petitions had awarded the following compensation:

Total loss determined & awarded compensation	Rs. 1,25,000/-
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5. Learned counsel for appellants-claimants have sought enhancement in compensation on following grounds that:

- Income of deceased was not assessed. Keeping in view facts that deceased students were studying in reputed school, were around 13/14 years of age at the time of accident and had bright future, income of deceased ought to have been determined.
- 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 were 13/14 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.1,25,000/- in each of the claim petition. Deceased students were going to school when their school bus met with accident and 10 out of 38 children had died when their bus had fallen in canal on account of said accident. These facts show that they had bright future, therefore, award of compensation without assessing notional income of deceased on some justified basis cannot be upheld. Learned 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 expenses.

8. Admittedly, the age of deceased were 13/14 years old at the time of accident and he is survived by his parents. The notional income of Rs.1,548/- per month, equivalent to minimum wages payable to unskilled worker in 1997 needs to be taken in case of minor aged 13/14 years as was

held in **Devendra Kumar Tripathi & Ors. Vs. The Oriental Insurance Company Ltd. & Anr.**, 2025, INSC 1429 Civil Appeal No. 14756 of 2025 [Special Leave Petition (C) No. 2195 of 2024], decided on 15.12.2025. Accordingly, incomes of all the deceased is taken as Rs.1,548/- per month.

9. Learned Tribunal has not made any addition towards future prospects. The deceased were 13/14 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 they were 13/14 years old, survived by parents and unmarried. 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/- each towards filial consortium.

10. Accordingly, re-worked compensation payable to appellants-claimants is as under:-

Notional Income	Rs. 1,580/- per month (as per minimum wages payable to unskilled	Rs.1,580/- per month
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	workman)	(as per minimum wages payable to unskilled workman)
Future Prospects	40% (Rs.1,580+632)	Rs.2,212/-
Deduction towards personal expenses	50% of 2212	Rs. 1,106/-
Multiplier	18	18
Compensation for Loss of dependency	1106X12X18	Rs. 2,38,896-
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 in each of appeal	15,000/- X 2	Rs.30,000/-
Total Compensation awarded by the Tribunal	Rs. 1,25,000/-	
Total Compensation awarded in appeal		Rs. 2,83,896/-
Enhanced compensation	Rs. 2,83,896 (awarded in appeal)- Rs. 1,25,00/- (awarded by Tribunal)	Rs.1,58,896/-

11. It is held that appellants in Appeal No.4215 of 2003 shall be entitled to enhanced compensation of Rs.1,58,896/-. Similarly, appellants in Appeal No.4216 of 2003 shall get enhanced compensation of Rs.1,58,896/- and appellants in Appeal No.4280 of 2003 shall also be entitled to Rs.1,58,896/- as enhanced compensation. Appeals are accordingly allowed in above terms. Appellants-claimants shall also be entitled to enhanced compensation of Rs.1,58,896/- (in respective appeal) along with interest at the rate of 7.5% from the date of filing of claim petition till its 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.

12. Pending application(s), if any, stand disposed of. Photocopy of this order be placed on the files of connected cases.

(PARMOD GOYAL)
JUDGE

27.01.2026
Sunil Chander

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