IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(235)

FAO-5145-2003(O&M)
Date of Decision-12.02.2026

Surja Ram And Another **… Appellants**

Versus

Avtar Singh And Others **… Respondents**

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Sandeep Jasuja, Advocate
for appellants.

Mr. Varun Sharma, Advocate
for respondent No.3/Insurance Company.

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VIRINDER AGGARWAL, J.(ORAL)

1. This appeal has been preferred by the claimants seeking enhancement of compensation awarded vide award dated 08.11.2002 passed by the Motor Accident Claims Tribunal, Muktsar, whereby the compensation of ₹2,20,000/- along with interest at 9% per annum was granted on account of death of Pardeep Kumar @ Kala in a motor vehicular accident that took place on 04.01.2001.

BACKGROUND FACTS

2. The brief facts of the case are that on 04.01.2001 at about 5:00 p.m., the deceased Pardeep Kumar @ Kala, aged approximately 14 years, was proceeding on a bicycle near Tehsil Road, G.T. Road, Malout. His father, Surja Ram, was following him on another bicycle. When they reached the said place, a truck bearing registration No. HYT-7551, driven by respondent No.1 Avtar Singh, allegedly at a high speed and in a rash and negligent manner, came from the opposite direction and struck the deceased. Due to the impact, the minor

was knocked down and run over under the wheels of the truck, resulting in his instantaneous death at the spot. In respect of the said accident, FIR under Sections 279 and 304-A of the Indian Penal Code was registered at Police Station Malout against the driver of the offending vehicle. Thereafter, the claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of the death of Pardeep Kumar @ Kala.

3. Upon a comprehensive appreciation of the oral as well as documentary evidence adduced on record, the learned Tribunal returned a categorical finding that the accident in question, resulting in the untimely death of Pardeep Kumar @ Kala, stood duly established and that the same had occurred on account of the rash and negligent driving of respondent No.1 Avtar Singh. The finding on negligence was principally founded upon the ocular testimony of Surja Ram (PW-1), the father of the deceased and an eye-witness to the occurrence. His deposition was found to be natural, consistent and trustworthy, inspiring full confidence of the Court. The said testimony further stood corroborated by the registration of FIR (Ex. A1) under Sections 279 and 304-A IPC at Police Station Malout, as well as by the post-mortem report (Ex. A2), which conclusively established that the deceased had sustained ante-mortem injuries in a road traffic accident and had succumbed thereto. While proceeding to determine the quantum of compensation, the learned Tribunal assessed the age of the deceased at 14 years. Though the deceased was a minor and not earning at the time of the accident, the learned Tribunal observed that compensation in such cases necessarily involves a degree of reasonable estimation and hypothetical assessment, keeping in view the future prospects of the child, the status of the family and the surrounding circumstances. Further, the learned Tribunal observed that it was reasonably certain that the deceased would, in due

course, have married and that the dependency of his parents would have diminished thereafter. Keeping these factors in view, the learned Tribunal assessed, on a reasonable guesswork, that the deceased would have contributed ₹1,200/- per month to his parents during the initial phase of his earning life till his marriage. Applying a multiplier of 10 for this period, the loss of dependency for the said phase was computed at ₹1,44,000/- (₹1,200 × 12 × 10). Moreover, the learned Tribunal held that after marriage, the contribution of the deceased towards his parents would have diminished and was reasonably assessed at ₹1,000/- per month. Applying a multiplier of 6 for the subsequent period, the dependency for this phase was calculated at ₹72,000/- (₹1,000 × 12 × 6). Accordingly, the total loss of dependency was determined at ₹2,16,000/-

CONTENTIONS

4. Learned counsel for the appellants submitted that the compensation determined by the learned Tribunal is manifestly inadequate and contrary to the settled principles governing the assessment of just compensation. It was contended that the learned Tribunal erred in assessing the income of the deceased at an unduly low figure. Further, learned counsel argued that the multiplier applied by the learned Tribunal is erroneous and not in consonance with the age of the deceased. Learned counsel for appellants also submitted that the amounts awarded towards loss of consortium and last rites are unrealistically low and that the learned Tribunal failed to award compensation under other mandatory conventional heads. Additionally, no addition towards future prospects was made. On these grounds, it was urged that the impugned award calls for enhancement so as to grant just, fair and reasonable compensation to the claimants.

5. Learned counsel for respondent No.3 supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

OBSERVATIONS AND FINDINGS

6. I have heard learned counsel for the parties and perused the complete records. On due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, I find no reason to take a different view. The findings on those aspects are accordingly affirmed. However, the core issue arising in the appeal pertains to the reassessment of the quantum of compensation.

7. Firstly, the income of the deceased minor is required to be determined in accordance with the law now settled by the Hon'ble Supreme Court. ***In Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari, 2025 INSC 1070, Kajal v. Jagdish Chand, (2020) 4 SCC 413, and Baby Sakshi Greola v. Manzoor Ahmad Simon, 2024 SCC OnLine SC 3692,*** the Hon'ble Supreme Court has categorically held that in cases involving a minor child, the assessment of loss of income cannot proceed on the assumption that the child was a non-earning person. It has been authoritatively laid down that notional income must be determined by adopting, at the very least, the minimum wages notified for a skilled worker in the concerned State for the relevant period, having regard to the child's future potential and prospects. Applying the aforesaid settled legal position to the facts of the present case, the income of the deceased minor is required to be assessed on the basis of the minimum wages applicable to skilled labour prevailing at the time of the accident, which comes to ₹3,000/- per month.

8. Further, Compensation requires reassessment strictly in terms of the principles laid down by Hon'ble the Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680, Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram, 2018 (18) SCC 130 and Sarla Verma v. DTC, (2009) 6 SCC 121,*** wherein the framework for computation of "loss of dependency" by addition towards future prospects as per the nature of employment, deducting personal expenses of deceased, and applying appropriate multiplier on the basis of age of the deceased, and standardized amounts for conventional heads such as loss of estate, funeral expenses and loss of consortium, has been settled. The present matter, therefore, call for recalculation of the amount under each of these heads by applying the correct deduction on basis of dependency and correct multiplier relatable to the age of the deceased and by granting the admissible sum towards consortium and other conventional heads as mandated in the aforesaid decisions. The reassessment is structured as under:

REASSESSED COMPUTATION

Particulars	**Reassessed Award (₹)**
Monthly Income	**3,000/-**
Income With Future Prospects (40%)	**4,200/-** **(3000 + 1200)**
After Deduction (50% for personal expenses)	**2,100/-** **(50% for personal expense as Unmarried)**
Annual Contribution To Family	**25,200/-** **(2100x12)**
Multiplier **(age 14 yrs)**	**15**
Loss Of Dependency	**3,78,000/-** **(25,200 × 15)**
Filial Consortium	**80,000/-**
Funeral Expenses	**15,000/-**
Loss Of Estate	**15,000/-**
Total	**₹4,88,000/-**

9. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹2,20,000/- to **₹4,88,000/-**. The enhanced amount shall carry the interest at rate of 7% per annum from the date of filing of the claim petition till realization. The liability and apportionment of the compensation shall remain the same as determined by the learned Tribunal

10. The appeal is accordingly partly **allowed** with modification of the award to the above extent. All other conditions of the award, not inconsistent with this judgment, shall remain unaltered.

11. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

(VIRINDER AGGARWAL)
JUDGE

12.02.2026
Poonam

(i)	*Whether speaking/reasoned*	:	*Yes/No*
(ii)	*Whether reportable*	:	*Yes/No*