

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****272****FAO-3206-2021 (O&M)
Date of decision: 29.01.2026****Surjit Kaur and another****...Appellant(s)****Vs.****Varinder Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. B.D.Sharma, Advocate
for the appellants.

Mr. Rishav Jain, Advocate for respondent No.1.

Mr. Aman Sharma, Advocate for the respondent
No.2 and 3-PRTC.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.2,55,000/- awarded by the learned Motor Accident Claims Tribunal, Jalandhar (hereinafter referred to as "the learned Tribunal") vide Award dated 05.08.2019 passed in MACP Case No. 163 dated 16.07.2018 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 2 claimants before the learned Tribunal are 39-year-old mother, and 47-year-old father of the deceased Jorawar Singh, who was 4 years old at the time of accident.



2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Jorawar Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 30.05.2018 due to the rash and negligent driving of a Bus bearing registration No.PB-10DR-1115 (hereinafter "the offending vehicle") being driven by respondent No.1; and owned by respondents No.2 and 3. The Tribunal awarded the above compensation along with interest @ 8% per annum. Respondents No. 1 to 3 were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.15,000/-p.a. It is submitted that in terms of judgment of Hon'ble Supreme Court in **Kajal vs. Jagdish Chand (SC): Law Finder Doc Id # 1679623**, income of the deceased child ought to have been taken as per the minimum wages payable to a skilled workman. It is further submitted that multiplier of 15 has been correctly applied. However, nothing has been awarded by way of consortium. It is accordingly prayed that present appeal be allowed; and compensation be enhanced as above.

4. *Per contra*, Id. counsel for respondents No.1, 2 and 3 oppose submissions of the appellants and submit that the impugned Award suffers from no infirmity as the compensation awarded to the appellants is just and fair. Hence, present appeal deserves to be dismissed.



5. No other argument is raised on behalf of the parties. I have heard Id. counsel and perused the case file in detail. I find some merit in the submissions advanced on behalf of the appellants.

6. It has been submitted by learned counsel for the appellants that in terms of the judgment of Hon'ble Supreme Court passed in case of **Kajal (supra)**, income of the deceased ought to have been assessed as per the minimum wages payable to a skilled workman. However, the facts of the said case in **Kajal (supra)** are distinctly different from the present case. In the said case, the deceased was 12-year-old girl, who was a student; whereas in the present case, age of the deceased was determined to be 4 years on the basis of Postmortem Report and pleadings. Even there is no evidence to show that deceased child was a student. Further, the above relied upon case was a case of injury; whereas the present is case of death. Moreover, Hon'ble Supreme Court in the said case has clearly stated that *"Each case has to be decided on its own evidence....."*. As the said ruling is distinguishable on facts and law, therefore, in my view, learned Tribunal has correctly assessed notional income of the deceased as Rs.15,000/- p.a.

7. Learned Tribunal had further applied multiplier of 15 as stipulated in the Second Schedule of the Act; thereby calculating compensation amount to be Rs.2,25,000/-. Learned Tribunal had further awarded Rs.15,000/- towards loss of estate; and Rs.15,000/- towards funeral expenses; thereby granting total compensation of Rs.2,55,000/-.



8. However, the learned Tribunal has awarded nothing by way of consortium. The claimants being parents of the deceased are entitled to consortium of Rs.44,000/- each i.e. Rs.88,000/- in conformity with the law laid down by Hon'ble Supreme Court in ***“National Insurance Company Limited vs. Pranay Sethi and others”, Special Leave Petition (Civil) No. 25590 of 2014.***

9. In view of above, the present appeal is **partly allowed**; and compensation payable to the appellants is enhanced by an amount of Rs.44,000/- each to claimants no.1 and 2 i.e. total of Rs.88,000/- in the above terms. The appellants are therefore entitled to total compensation of ₹3,43,000/- i.e. (₹2,55,000/- + ₹88,000/-).

10. Pending application(s) if any also stand(s) disposed of.

29.01.2026

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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