

FAO-1487-2005 and other connected cases

2026:PHHC:025806



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

223 (1) **FAO-1487-2005**
Date of decision :12.02.2026

OM PARKASH ... **APPELLANT**

VERSUS

NIHAL SINGH ANR. ...**RESPONDENTS**

(2) **FAO-1488-2005**

RAJINDER KUMAR ... **APPELLANT**

VERSUS

NIHAL SINGH ANR. ...**RESPONDENTS**

(3) **FAO-1489-2005**

SMT. SUMITRA DEVI ANR. ... **APPELLANTS**

VERSUS

NIHAL SINGH ANR. ...**RESPONDENTS**

(4) **FAO-1490-2005**

RAJENDER AND ANR. ...**APPELLANTS**

VERSUS

NIHAL SINGH ANR. ...**RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rajesh Lamba, Advocate,
Mr. Rahul Gugnani, Advocate and
Mr. Abhinav Kaushik, Advocate
for the appellants.

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

FAO-1487-2005 and other connected cases

PARMOD GOYAL, J.

Appellants-claimants have filed four appeals which are being taken up together as all the four claim petitions preferred by appellants/claimants were decided by common impugned award dated 11.12.2004, passed by learned Motor Accident Claims Tribunal, Fatehabad (hereinafter referred to as '**Tribunal**'). Appellants-claimants in FAO-1489-2005 being parents of deceased Azad Singh (hereinafter referred to as '**deceased**'), aggrieved by the grant of compensation of Rs.1,97,000/-, appellants-claimants in FAO No.1487 of 2005 being injured-claimant is aggrieved by the grant of compensation of Rs.25,000/, appellant-claimant-injured Rajinder Kumar in FAO No. 1488 of 2005 aggrieved by grant of Rs.4,000/- awarded on account of injuries suffered by him and appellant-claimant-Rajinder Kumar being the husband and minor son of deceased Suman Devi in FAO No. 1490 of 2005 are aggrieved by grant of compensation of Rs.1,65,200/- by Tribunal and have sought enhancement of compensation by filing present appeals.

2. Deceased Suman Devi and Azad Singh had died and appellants-claimants Rajinder Kumar and Om Prakash had suffered injuries in motor vehicular accident which took place on 28.08.2003 on account of rash and negligent driving by respondent No.1 while driving Tata spacio bearing registration No.HR-22C-4264.

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

FAO-1487-2005 and other connected cases

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-1489-2005

5. The Tribunal in the present case had awarded the following compensation in the claim petition filed by parents of deceased Azad Singh:

Income of deceased	Rs.15,000/- per annum (as per notional income)
Deduction 1/3 rd	Rs.10,000/-
Multiplier	15
Total loss of dependency	Rs.1,50,000/- (10,000x15)
Funeral Expenses	Rs.2,000/-
Medical expenses and transportation charges	Rs.43,165/-
Total compensation awarded	Rs.1,97,000/-

6. Learned counsel for appellants-claimants has sought enhancement in 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 12 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

FAO-1487-2005 and other connected cases

income needs to be added as the deceased was 12 years of age at the time of accident.

- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of filial consortium in accordance with law laid down by Hon'ble Supreme Court.

7. PW-1 Sumitra Devi, mother of deceased stated that deceased was a student of class 6th and used to help his father in cultivating the land. Admittedly, in order to prove income of deceased, appellants-claimants have only relied upon oral assertions. No corroborative material was placed to show that deceased was earning by doing agricultural work. Therefore, in absence of any cogent proof of income, minimum wages payable to unskilled worker needs to be taken in consideration to assess notional income on the basis of potential to earn.

8. 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

FAO-1487-2005 and other connected cases

Birbal and Another 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. In present case, since deceased was 12 years old, multiplier of '15' would be appropriate for the purposes of determining loss of dependency. Accordingly, multiplier of '15' is taken for calculating loss of dependency. Since, deceased was a minor at the time of accident, his notional income is taken equivalent to minimum wages payable to unskilled worker as Rs.2,600/- per month.

9. 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. Keeping in view mandate of Hon'ble Supreme Court of India in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, (supra) deduction of 50% is required to be made towards personal expenses of deceased as he was 12 years old, survived by parents and was unmarried. Further compensation has to be granted under the head funeral expenses, loss of estate and loss of consortium. Therefore, appellant claimant

FAO-1487-2005 and other connected cases

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. Appellant-claimant has also succeeded in proving that he had spent around Rs.15,000/- vide bill, Ex. P-6. Appellants-claimants have also placed on record medical bills Ex. P-23 to Ex. P-51 as the deceased was on ventilator before his death. Therefore, amount of competition on account of medical expenses, transportation, special diet and attendant expenses is enhanced to Rs. 50,000/-.

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

Income of deceased	Rs.2,600/- per month	Rs.2,600/- per month
Deduction	1/2 (2600-1300)	Rs.1,300/-
Future Prospects	40% (1300+520)	Rs.1,820/-
Multiplier	15	15
Total loss of dependency	Rs.1,820x15x12	Rs.3,27,600/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Filial consortium to Claimant Nos.1 & 2	Rs.15,000/-x2	Rs.30,000/-
Medical Expenses and transportation charges	Rs.43,165/- (as awarded by Tribunal)	Rs.50,000/-
Compensation awarded by Tribunal	Rs1,97,000/-	
Compensation awarded in appeal		Rs.4,22,600/-
Enhancement of compensation	Rs.4,22,600/- (as awarded in appeal)- Rs.1,97,000/- (as awarded by Tribunal)	Rs.2,25,600/-

FAO-1487-2005 and other connected cases

FAO No. 1488 of 2005

11. The Tribunal in the present case had awarded the following compensation in the claim petition filed by injured claimant-appellant Rajinder Kumar:

Transportation charges and special diet	Rs.2,000/-
Pain and Sufferings	Rs.2,000/-
Total compensation awarded	Rs.4,000/-

12. Learned counsel for injured-appellant-claimant has sought enhancement in compensation on following grounds that:-

- Learned Tribunal has erred in not granting compensation for loss of earning capacity due to permanent disability.
- Future prospects were not added while determining loss of earning capacity. Future prospects to the extent 40% of monthly income needs to be added as the injured-appellant-claimant was 24 years of age at the time of accident.
- Learned Tribunal has erred in not applying multiplier as per the age of the appellant-claimant. Multiplier of '18' ought to have been applied by the learned Tribunal.
- Compensation for loss of future prospects and future amenities, for loss of income during treatment and for future medical expenses has not been granted to which appellant-claimant is entitled to.
- Compensation under heads medical expenses, other expenses and pain and sufferings being insufficient in view of nature of injury, nature of treatment and period of hospitalization and same needs to be enhanced.

FAO-1487-2005 and other connected cases

13. Since in the present case the disability certificate of injured-appellant-claimant was not produced before the learned Tribunal, the only material available are the bills/receipts Ex -P.52 to Ex. P-58 to show that an amount of Rs.1,383/- was spent on the treatment of injured-claimant. Further Ex. P-15 was placed on record to show that injured claimant was admitted in General Hospital, Fatehabad from 13.08.2003 to 08.09.2003.

14. In absence of any material regarding detailed nature of injuries showing permanent disability, learned Tribunal has rightly concluded that injured-claimant has failed to prove any loss of earning capacity on account of permanent disability. Injured-claimant is entitled to compensation only under the heads pain and sufferings, medical expenses, special diet, transportation, attendant charges and loss of income during treatment. In absence of any material, except for period of hospitalization and amount spent on medicines, the compensation can only be marginally enhanced. Keeping in view, the period of hospitalization of injured-claimant from 13.08.2003 to 08.09.2003, injured-claimant is entitled to compensation of Rs. 10,000/- for medical transportation, special diet and attendant charges and Rs. 50,000/- for loss of income during treatment taking him to have lost 2 months for getting back to work. Similarly, injured-claimant is further entitled to compensation of Rs. 5,000/- towards pain and sufferings. Accordingly, injured-claimant is entitled to total compensation of Rs. 20,000/-.

FAO-1488-2005

15. Learned Tribunal has granted following compensation in the claim petition preferred by husband and minor son of deceased Smt. Suman Devi:

Income	Rs.1,200/- per month
--------	----------------------

FAO-1487-2005 and other connected cases

Deduction	1/3 rd
Multiplier	17
Total Loss of dependency	Rs.1,63,200/- (Rs.9,600x17)
Funeral Expenses	Rs.2,000/-
Total compensation awarded	Rs.1,65,200/-

16. 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 23 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 23 years of age at the time of accident.
- Multiplier applied by learned Tribunal is ‘17’ whereas, keeping in view the age of deceased as 23 years old at the time of accident the multiplier of ‘18’ 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.

17. 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

FAO-1487-2005 and other connected cases

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 judgment titled as **Kirti Singh and Anr. Vs. Oriental Insurance Company Ltd.** 2021 (1) RCR (Civil) 478. The deceased in the present case was 23 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.2,600/- per month. Hence income of deceased is assessed as Rs. 2,600/- per month. Age of the deceased was admittedly 23 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 and Ors.** (supra). Keeping in view age of the deceased as 23 years multiplier of ‘18’ 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. Appellants-claimants would be entitled to Rs.7,500 towards loss of estate and Rs.7,500/- towards funeral expenses and the appellants-claimants i.e. husband and son of the deceased would also be entitled to Rs.15,000/- each towards loss of spousal and parental consortium.

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

Income	Rs.2,600/- per month (as per minimum wages)	Rs.2,600/-
Future Prospects	40% (2600+1040)	Rs.3,640/-
Deduction	1/3 rd (3640-1213)	Rs.2,427/-
Multiplier	18	18
Total Loss of dependency	Rs.2,427x18x12	Rs.5,24,232/-
Funeral Expenses		Rs.7,500/-

FAO-1487-2005 and other connected cases

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.1,65,200/-	
Compensation awarded in appeal		Rs.5,69,232/-
Enhanced amount of compensation	Rs.5,69,232/-(as awarded in appeal) – Rs.1,65,200/-(as awarded by Tribunal)	Rs.4,04,032/-

FAO No. 1487 of 2005

19. Learned Tribunal has granted following compensation in the claim petition preferred by the injured claimant-appellant:

Expenses incurred on medical treatment	Rs.2,000/- per month
Pain and Sufferings and loss of enjoyment in life	Rs.5,000/-
Loss on account of permanent disability	Rs.18,000/-
Total compensation awarded	Rs.25,000/-

20. Learned counsel for injured-appellant-claimant has sought enhancement in compensation on following grounds that:-

- Learned Tribunal has erred in not granting compensation on the basis of functional disability in light of 6% permanent disability.
- Future prospects were not added while determining loss of earning capacity. Future prospects to the extent 40% of monthly income needs to be added as the injured-claimant was 40 years of age at the time of accident.

FAO-1487-2005 and other connected cases

- Learned Tribunal has erred in not applying multiplier keeping in view age of the injured-claimant to be 40 years. Multiplier of '15' ought to have been applied by the learned Tribunal.
- Compensation for loss of future prospects and future amenities, for loss of income during treatment and for future medical expenses has not been granted to which appellant-claimant is entitled to.
- Enhancement of compensation of medical expenses and other expenses and pain and sufferings being insufficient in view of nature of injury, nature of treatment and period of hospitalization, was sought.

21. Disability certificate of appellant-claimant was duly produced as Ex. P-2 issued by Dr. D. L. Bansal, who appeared as PW-8. The injured claimant-appellant who appeared as PW-4 stated that he received multiple injuries and spent Rs.25,000/- on his treatment and remained admitted in the hospital for 15 days. Due to the injuries sustained the injured claimant-appellant was unable to work. He placed on record the medical bills Ex. P-69 to bed head ticket Ex. P-11, which shows he remained hospitalised. As per the disability certificate Ex. P-2, injured claimant-appellant had suffered 6% permanent disability due to fracture calbical left shoulder.

22. Learned Tribunal duly noticed that the appellant-claimant had suffered 6% permanent disability. Being a case of fracture of the left shoulder, it would have resulted in hampered arm movement causing loss of earning capacity due to permanent disability to the appellant-claimant. Functional disability, therefore, is taken equivalent to the permanent disability as assessed by doctor.

FAO-1487-2005 and other connected cases

23. Claimant-injured has been awarded compensation of Rs. 5,000/- towards pain and sufferings and Rs. 2,000/- towards medical expenses. No compensation has been awarded for loss of income during period of treatment. Injured-claimant had suffered fracture of left shoulder resulting into permanent injury to the extent of 6%. The fact that injured-claimant had suffered fracture resulting into permanent disability goes to show that injured-claimant must have been out of work for at least 4 months and, therefore, he is entitled to compensation of Rs. 10,000/- for loss of income during treatment period. Compensation has been assessed, keeping in view minimum wages payable to unskilled worker as no income proof has been placed by the injured-claimant. Similarly, in view of period of hospitalisation, nature of injuries and period for which injured-claimant must have undergone treatment, the compensation on account of pain and sufferings needs to be enhanced and accordingly Rs. 15,000/- is awarded. Compensation under head medical expenses, transportation and special diet also needs to be enhanced in view of period of hospitalization, nature of injury and treatment and is accordingly enhanced from Rs. 2,000/- to Rs. 10,000/-.

24. Claimant-appellant has not adduced any material to prove income and vocation. Learned Tribunal has not assessed the loss of income of claimant/appellant. Therefore, in absence of any cogent evidence to conclude income of deceased, minimum wages prevalent at the time of accident i.e Rs.2,600/- per month for unskilled worker to determine loss of income of injured has to be taken. There is no rebuttal to age of claimant which is stated to be 40 years. PW8 Dr. D. L. Bansal proved the disability certificate Ex. P2. On consideration of 6% permanent disability, functional disability is taken to the

FAO-1487-2005 and other connected cases

extent of 6% in view of nature of disability stated by PW-8. Further, future prospects to the extent of 40% of income and multiplier of ‘15’ needs to be applied for determining loss of earning capacity in view of age of injured as per mandate of **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, (supra) and **National Insurance Company Limited Vs. Pranay Sethi & Ors.**, (supra). Claimant/appellant shall also be entitled to compensation of Rs. 10,000/- for loss of future prospects of life and loss of future amenities due to permanent disability. However, no compensation is payable for future medical expenses in absence of any evidence in this regard.

25. Appellant-claimant shall be entitled to following re-worked compensation:-

Income	Rs.2,600/- (as per minimum wages)	Rs.2,600/-
Future Prospects	40% (2600+1040)	Rs.3,640/-
6% Functional disability	6% of Rs.3,640/-	Rs.218
Multiplier	15	15
Total Loss of earning capacity	Rs.218x15x12	Rs.39,240/-
Pain and Sufferings	Rs.5,000/- (as awarded by Tribunal)	Rs.15,000/-
Medical expenses, attendant, transportation charges and special diet	Rs.2,000/- (as awarded by Tribunal)	Rs.10,000/-
Loss of income during the period of treatment		Rs. 10,000/-
Loss of future amenities and future prospects		Rs.10,000/-
Compensation awarded by Tribunal	Rs.25,000/-	

FAO-1487-2005 and other connected cases

Compensation awarded in appeal		Rs.84,240/-
Enhanced amount of compensation	Rs.84,240/-- (as awarded in appeal) – Rs.25,000/- (as awarded by Tribunal)	Rs.59,240/-

26. In all the four 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.

27. Appeals are accordingly allowed in above terms.

28. Pending application(s), if any, is/are disposed of accordingly.

12.02.2026
Manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No