



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

FAO-4050-2005 (O&M)  
Date of Decision: 09.03.2026

KAPTAN

....Appellant

Versus

CHETAN AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Abhishek Sharma, Advocate for  
Mr. Vishal Gupta, Advocate  
for the appellant.

Mr. Vipul Sharma, Advocate for  
Mr. Subhash Goyal, Advocate  
for respondent No.3.

**Parmod Goyal, J. (Oral)**

The present claim petition has been preferred by the claimant/  
appellant, being aggrieved by the award dated 22.04.2005 passed by the  
Motor Accident Claims Tribunal, Karnal (hereinafter referred to as  
'Tribunal'), whereby an amount of Rs.25,000/- was awarded to the  
claimant/appellant as compensation.

2. Ld. Counsel for claimant-appellant has sought enhancement in  
compensation on the following grounds that :-

- Learned Tribunal has erred in not granting compensation on the basis of permanent disability to the extent of 2.5%.
- Income of injured/appellant-claimant was not assessed by the Learned Tribunal. Income of injured/appellant-claimant ought to be determined atleast as per the minimum wages prevalent at

the time of the accident.

- 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 10 years of age at the time of accident.
- Learned Tribunal has erred in not applying multiplier as per the age of the appellant-claimant.
- 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, needs to be enhanced.

3. Brief facts relevant to the present lis are that on 1.05.2003, injured/appellant-claimant along with his brother was returning home after paying obeisance at Baba situated in the revenue estate of Jundla. When they reached at brick lined road, respondent no. 1 while driving motorcycle bearing registration no. HR-05L-5693 in a rash and negligent manner came to the wrong side of the road and had hit against the appellant/claimant. On account of the impact the appellant- claimant suffered injuries including fractures on the left leg.

4. Dr. Rakesh Girdhar who appeared as PW-3 deposed that on 1.05.2003, the appellant/claimant was admitted in the hospital with injuries due to accident. The appellant-claimant was treated conservatively by applying pop cast 2/3 times and the appellant/claimant was discharged on

30.05.2003. As per the disability certificate Ex P8, the appellant/claimant suffered disability to the extent of 5% with respect to particular limb and 2.5% with respect to the whole body.

5. As per the disability certificate of injured/appellant-claimant which was duly produced as Ex. P8 before the learned Tribunal, the disability is to the extent of 2.5% qua the whole body. The learned Tribunal had duly noticed evidence of Dr. Rakesh Girdhar who appeared as PW-3, disability certificate Ex. P8 and medical bills Ex. P12 to Ex. P31.

6. Learned Tribunal duly noticed that the appellant/claimant had suffered 2.5% permanent disability qua whole body, however, had not determined functional disability. In the absence of any record, functional disability is taken equivalent to the permanent disability i.e. 2.5% qua whole body as assessed by doctor.

7. 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 **Sarla Verma Vs. Delhi Transport Corporation**, 2009 (3) RCR (Civil) 77 had prescribed multiplier of '18' for age group of 15 to 20 years and 21 to 25 years. In **Birbal & Anr. Vs. Bhalla & 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. Taking clue from multiplier based system upon reduced dependency with age as approved in **Sarla Verma Vs.**

**Delhi Transport Corporation** (supra), 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 present case, since deceased was 10 years old, multiplier of ‘12’ would be appropriate for the purposes of determining loss of earning capacity. Accordingly, multiplier of ‘12’ is taken for calculating loss of dependency. Since, deceased was a minor at the time of accident, his notional income is taken as Rs.2,197/- per month equivalent to minimum wages applicable to unskilled labourer in the year 2003.

8. Appellant-claimant shall also be entitled to compensation of Rs.20,000/- for loss of future prospects of life and amenities due to permanent disability. Compensation towards pain and sufferings is awarded as Rs.15,000/- and Rs.15,000/- is awarded under the head medical expenses, attendant charges, transportation charges and special diet. However, no compensation is payable for future medical expenses in absence of any evidence in this regard.

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

|                                |                                      |             |
|--------------------------------|--------------------------------------|-------------|
| Income                         | Rs.2,197/-<br>(as per minimum wages) | Rs.2,197/-  |
| Future Prospects               | 40%<br>(2197 + 879)                  | Rs.3,076/-  |
| 2.5 % Functional disability    | 2.5% of Rs.3,076/-                   | Rs.77/-     |
| Multiplier                     | 12                                   | 12          |
| Total Loss of earning capacity | Rs.77 x 12 x 12                      | Rs.11,088/- |

|                                                                         |                                                                                    |             |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------|
| Pain and Sufferings                                                     |                                                                                    | Rs.15,000/- |
| Medical expenses, attendant and transportation charges and special diet |                                                                                    | Rs.15,000/- |
| Loss of future amenities and future prospects                           |                                                                                    | Rs.20,000/- |
| Compensation awarded by Tribunal                                        | Rs.25,000/-                                                                        |             |
| Compensation awarded in appeal                                          |                                                                                    | Rs.61,088/- |
| Enhanced amount of compensation                                         | Rs.61,088/-<br>(as awarded in appeal) –<br>Rs.25,000/-<br>(as awarded by Tribunal) | Rs.36,088/- |

10. Appellant-claimant shall be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petitions till its realization. Liability to pay compensation shall be as per award. Appeal is accordingly allowed in above terms.

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

09.03.2026  
chiranjeev

(PARMOD GOYAL)  
JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No