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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-958-2008 (O&M)
Date of Decision : 19.02.2026

Nirmala Devi and Another ... Appellants

Versus

State of Haryana and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Lalit Attri, Advocate for the appellants.

Mr. S.K. Panwar, Addl. AG Haryana.

Mr. P.H.S. Pannu, Advocate for respondent No.4.

ALKA SARIN, J. **(Oral)**

1. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'Tribunal') vide the impugned award dated 13.11.2007 on account of death of Dalip Kumar (hereinafter referred to as the 'deceased') in a motor vehicle accident which occurred on 12.04.2006.

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

3. The Tribunal in the present case had awarded a lump sum compensation of ₹1,50,000/-.

4. Learned counsel for the claimant-appellants would contend that the Tribunal has only awarded a lump sum amount of ₹1,50,000/- towards compensation. The deceased in the present case was a young boy of 13 years and was a student of 8th Class and had a very bright future ahead, hence, his income ought to have been assessed as per the minimum wage of a skilled worker. It is further the contention of the learned counsel for the claimant-appellants that the Tribunal has also not applied any deduction, multiplier or made any addition towards loss of future prospects. Learned counsel for the claimant-appellants further states that the Tribunal has also not awarded any compensation under the conventional heads as well as under the head 'loss of consortium'. In support of his contentions, the learned counsel for the claimant-appellants has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121], National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**, **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]** and **N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, the learned counsel for respondent No.4-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. I have heard the learned counsel for the parties.

7. Admittedly, no appeal has been preferred by the Insurance Company. In the present case the deceased was a young boy of 13 years of age and was a student. The Tribunal has awarded a lump sum compensation

of ₹1,50,000/- which in the opinion of this Court is erroneous inasmuch as admittedly the deceased was a young boy of 13 years of age and was a student, hence, his income ought to have been assessed as per the minimum wage as applicable to a skilled worker. Hon'ble Supreme Court in the case of **Karuna Parmar vs. Prakash Sinha & Ors. [2025 (1) TAC 730 = 2025 INSC 1244]**, while relying on **Baby Sakshi Greola vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]**, awarded the compensation in the case of a 6 years' old child who had died in an accident which occurred on 07.03.2014 as per the minimum wages applicable for a skilled worker in the year 2014.

8. In a recent judgment the Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr. [2025 (4) ACJ (SC) 36 = 2025 INSC 1070]** has held as under :

> *"9. On the aspect of monthly income of the minor appellant, we are inclined to interfere with the judgment and order of the Courts below. In the present case, it is evident that the Courts below have failed to take into account the monthly income of the appellant while determining the quantum of compensation. <u>It is now a well-entrenched and consistently reiterated principle of law that a minor child who suffers death or permanent disability in a motor vehicle accident, cannot be placed in the same category as a non-earning individual for the purposes of assessing the amount of compensation because the child was not engaged in gainful employment at the time of the accident</u>. In such a case, the computation of compensation under the head of loss of income ought to*

> *be made by adopting, at the very least, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises. The said observation was rendered by this Court, in Kajal Vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27], and of Baby Sakshi Greola Vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]."*

9. Their Lordships in the above referred cases applied a multiplier of '18' besides granting future prospects and compensation under the other heads. Taking a cue from the afore-referred judgments, this Court deems it appropriate to assess the income as per the minimum wage for a skilled worker as applicable in April 2006 as the accident took place on 12.04.2006. The minimum wage prevailing in Haryana in April 2006 was ₹4,160/- per month. Hence, the income of the deceased is assessed as ₹4,160/- per month.

10. Since no addition has been made towards future prospects, an addition of 40% ought to have been applied. Further, keeping in view the age of the child, 50% deduction would be applicable as held by the Hon'ble Supreme Court in the cases of **Bishnupriya Panda vs. Basanti Manjari Mohanty & Anr. [2023(4) TAC 44]** and **Kandasami & Ors. vs. Lindabriyal & Anr. [2023(3) TAC 30]**. Further, no amount has been awarded under the conventional heads as well as under the head 'loss of consortium'. Hence, as per the law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra), hence, the claimants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses as also to

₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹4,160/-
2	Annual Income	₹49,920/- [₹4,160 x 12]
3	Deduction - 50%	₹24,960/- [₹49,920 - ₹24,960]
4	Future Prospects - 40%	₹34,944/- [₹24,960 + ₹9,984]
5	Multiplier - 18	₹6,28,992/- [₹34,944 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial [₹48,000/- x 2]	₹96,000/- (Total ₹96,000/-)
	Total Compensation	**₹7,60,992/-**

11. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants within six weeks from today and the apportionment thereof shall be as per the direction of the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

13. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

19.02.2026 **(ALKA SARIN)**
jk **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO