



(i) FAO-3847-2023 (O&M)

VERSUS

(ii) **FAO-3853-2023 (O&M)**

VERSUS

(iii) **FAO-3859-2023 (O&M)**

VERSUS

(iv) **FAO-4661-2023 (O&M)**

VERSUS

(v) **FAO-4662-2023 (O&M)**

VERSUS

VINEET GULATI
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authenticity of this document
Chandigarh



FAO-3847-2023 and connected cases

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(vi) FAO-4665-2023 (O&M)

Giarsi Devi

...Appellant

VERSUS

Pardeep Kumar and others

...Respondents

Date of Decision: February 19, 2026

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Gopal Mittal, Advocate
for the appellant (in FAOs-3847, 3853 & 3859-2023) and
for respondent No.3 (in FAOs-4661, 4662 & 4665-2023).

Mr.Harish Goyal, Advocate
for the appellants (in FAOs-4661, 4662 & 4665-2023) and
for respondents-claimants (in FAOs-3847, 3853 & 3859-2023).

ARCHANA PURI, J.

These are bunch of six appeals, filed to assail the Awards of even date passed by learned Motor Accident Claims Tribunal, thereby, granting compensation on account of deaths of Sushil Kumar alias Sushil, Pooja and Pari alias Gunnu, in the same motor vehicular accident.

FAOs-4661, 4662 & 4665-2023 have been filed by the claimants, to question the adequacy of the compensation awarded by learned Tribunal, on account of deaths of Sushil Kumar alias Sushil, Pooja and Pari alias Gunnu.

FAOs-3847, 3853 & 3859-2023 have been filed by the insurance company to question the involvement of the truck bearing

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registration No.PB-12Y-3651 and also seeking reduction of the compensation awarded vide impugned Awards dated 04.03.2023.

For the convenience of discussion, the parties are referred to, as making appearance before learned Tribunal.

It is pertinent to mention that three separate claim petitions were filed, qua death of Sushil Kumar alias Sushil, his wife Pooja and their daughter Pari alias Gunnu, in the same accident. Similar manner of taking place of the accident was asserted in all the three claim petitions.

For the convenience, the facts are taken from the claim petition filed by mother Giarsi Devi and brother Rahul Kumar, of deceased Sushil Kumar @ Sushil, which are as follows:-

That, on 22.11.2021, Dev alias Dev Kumar, Pooja, Pari alias Gunnu, Sushil Kumar and Rahul Kumar had gone to Kali Mata Mandir to pay obeisance. Dev alias Dev Kumar and Rahul Kumar were on separate motorcycle, whereas, Pooja, Sushil Kumar and Pari were going on Activa scooter bearing registration No.PB-26F-3266, which was driven by Sushil Kumar. A truck bearing registration No.PB-12Y-3651 was lying parked on the road, without any indicator, parking lights etc. and rear cover of the said truck was also lying opened and iron bars of about 4 ft. were out of its body.

There was darkness, as a result whereof, the parked truck never came to the notice of Sushil Kumar and he struck his Activa against the said truck. All the occupants of the Activa sustained injuries and died instantaneously.

Respondent No.1-Pardeep Kumar came to Rahul Kumar and admitted his guilt and disclosed his name and address to him. Thereafter, while seeing gathering of people, the driver of the truck fled away from the spot, after

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leaving the offending truck there. FIR was got registered.

Deceased Sushil Kumar @ Sushil was claimed to be 27 years old, at the time of accident and he was indulging in sale of clothes, on his motorcycle and earnings Rs.20,000/- per month. The claimants were dependent upon the deceased.

Likewise, the claim petition, relating to death of Pooja, was filed by her mother-in-law Garsi Devi and two brothers Sonu Kumar and Dev Kumar. It was pleaded that Pooja was 28 years old, at the time of accident. She was running a boutique, under the name and style of Pooja Boutique and earning Rs.30,000/-. It was further pleaded that Pooja was nine months' pregnant, at the time of accident.

Third claim petition relating to death of Pari alias Gunnu was filed by Garsi Devi, who is grand-mother of the deceased.

In the respective claim petitions, respondents No.1 and 2 disputed the maintainability of the claim petitions. They also questioned the locus standi and cause of action to file the claim petitions and that the claimants are estopped by their own act and conduct, from filing of the claim petitions.

On merits, they denied about the alleged accident to have ever taken place, at the time and date, with the truck bearing registration No.PB-12Y-3651. It was pleaded that the truck in question has been falsely involved in the present case, in collusion with the police.

Likewise, respondent No.3-insurance company, in its reply, has also denied about taking place of the accident and also further, took various pleas about driver to be not having valid driving licence, RC, Fitness Certificate,



Route Permit etc., at the time of alleged accident.

From the pleadings of the parties, various issues were framed and thereupon, evidence was adduced.

Giarsi Devi had stepped into witness box as CW-1, in all the three claim petitions. She had categorically deposed about her relationship with all the three deceased persons and also deposed about earnings of deceased Sushil Kumar @ Sushil and Pooja and further deposed about Pari to be her grand-daughter, who was 8 years old.

Furthermore, Aadhaar Cards of the deceased were duly proved. Rahul Kumar, brother of Sushil Kumar @ Sushil, who is an eye witness to the accident in question, had also stepped into witness box as CW-2 and categorically deposed about the manner of taking place of the accident, in consonance with their pleaded case. He also proved the FIR Ex.C7. The copy of the chargesheet and copy of report under Section 173 Cr.P.C. were tendered into evidence as Ex.C9 and C10.

To rebut the claim of involvement of the truck in question and also about the manner of taking place of the accident, the insurance company had examined RW-1 Er.DPS Grover, Govt. Approved Surveyor, Loss Assessor Value and investigator, who had deposed about having met respondent No.2, who is owner of the offending truck and had come to know about non-involvement of the truck in the accident and further also stated that respondent No.2 had disclosed that another four-wheeler i.e. car, coming from rear side of the scooter, which hit the scooter badly. Further, the said witness deposed that he along with insured and his relatives had gone to the police station, wherein the police officials, pressurised about the

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vehicle of the insured to be involved in the accident and also that they shall submit an application to the SSP, with regard to the total accident and also furthermore, brought on record the pen-drive of the conversation recorded, at the spot, copy whereof is Ex.RW1/A.

Respondent No.2-Harpreet Singh stepped into witness box as RW-2 and also deposed about his truck to be not involved in the accident in question and that bolts of rear tyre of his truck were broken and vehicle was parked on the side of the road. He also deposed that Pardeep Kumar had disclosed to him about the manner of accident, having taken place, while the Aactiva scooter came from the rear side of the truck and was struck by the car. He also produced wheel cup and bumper of the said car to the police, which were broken. He also deposed about having talk with SHO, regarding the accident in question and that they had videographed the conversation with the SHO and prepared the pen-drive Ex.RW1/A.

Besides the aforesaid, respondents No.1 and 2, though had not led oral evidence, but however, tendered into evidence, certain documents, such like, insurance policy, RC, driving licence, Route Permit etc.

On appraisal of the evidence, brought on record, learned Tribunal had concluded about the accident, to have taken place, due to rash and negligent act of respondent No.1-Pardeep Kumar and the same resulted into death of three persons and thus, worked upon the compensation, to be awarded to the claimants.

So far as, the factum and manner of taking place of the accident is concerned, suffice to consider the testimony of CW-2 Rahul Kumar, brother of deceased Sushil Kumar @ Sushil, who was following the

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deceased, while on separate motorcycle. While deposing in the witness box, the said witness categorically stated about the manner of taking place of the accident. He was also author of the FIR and proved the copy of the same as Ex.C7. It is also evident that challan was presented against respondent No.1-Pardeep Kumar and charges were also framed against him.

Though, throughout the arguments, counsel for the insurance company has submitted that truck in question was not involved in the accident and that it was only on account of humanitarian grounds that the truck was involved and relating to the same, much emphasis had been laid upon the pen-drive, which allegedly records about the conversation of the investigating officer, at the accident spot.

Likewise, counsel for the insurance company has also placed reliance upon the testimony of RW-2 Harpreet Singh, who is owner of the offending truck, who also denied about the accident having taken place, in the manner, as alleged and he also deposed about the preparation of the pen-drive, which allegedly contains the conversation of the investigating officer.

However, on the appraisal of the evidence, very appropriately, learned Tribunal had discarded the pen-drive. To deny about the involvement of the vehicle and the manner of taking place of the accident, as asserted by the claimants, respondent No.1-Pardeep Kumar, who was allegedly the driver of the offending truck, was the most important witness. However, he has not stepped into witness box. Even though, Harpreet Singh-owner has stepped into witness box as RW-2, but he has not seen the accident. He admitted in cross-examination that he was in Jalandhar, at the relevant time and thus, had not witnessed the accident and therefore, the

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manner of taking place of accident, with some car, as asserted, does not stand established. In fact, Harpreet Singh also admitted that Pardeep Kumar, driver was facing trial in Khanna Court, qua the accident in question. He also admitted that neither he nor his driver, at any stage, had filed any application for enquiry with regard to the present case before any authority.

Learned Tribunal has also meticulously appraised about the piece of broken bumper having produced and the photograph relating to the same, to be not connected, with the accident in question, as no registration number of any vehicle is mentioned on the bumper. Even if, for the sake of arguments, though, does not stand sufficiently connected, as the identification relating to the persons, as such, is not evident, then also, if the pen-drive was, as such, prepared and relates to the persons, as asserted, then also, it was called upon the owner of the truck to have produced the same before the appropriate authorities, to falsify the claim of the manner of taking place of the accident. But however, no steps, at any stage, have been taken. Even, no application had been filed as admitted by Harpreet Singh himself, in cross-examination, either by himself or his driver Pardeep Kumar.

Such being the appraisal of the evidence and more particularly, when the FIR was got registered against respondent No.1-Pardeep Kumar, wherein, challan was presented and he was facing trial, at the relevant time, therefore, learned Tribunal had appropriately held about the accident to have taken place, due to rash and negligent act of respondent No.1-Pardeep Kumar and the same resulted into death of Sushil Kumar @ Sushil, Pooja and Pari @ Gunnu.

In the light of the aforesaid conclusion, now let us consider the



extent of compensation awarded by the Tribunal and there being any scope of enhancement or reduction.

Firstly, relating to the death of Sushil Kumar @ Sushil, learned Tribunal had worked upon the compensation, in the tabular form, which is reproduced as herein given:-

Sr. No.	Heads	Calculation
(i)	Income	Rs.9400/- per month
(ii)	40% of (I) above to be added as future prospects	Rs.9400+3,760=Rs.13,160/- per month
(iii)	1/3 of (ii) deducted as personal expenses of the deceased	Rs.13,160-4,386=Rs.8,774/-
(iv)	Compensation after multiplier of '17' is applied	Rs.8,774x12x17=Rs.17,89,896/-
(v)	Loss of consortium	Rs.44,000x2=Rs.88,000/-
(vi)	Loss of estate	Rs.16,500/-
(vii)	Funeral expenses	Rs.16,500/-
	Total compensation awarded	Rs.19,10,896/-

On the basis of the Aadhaar card, proved in evidence, learned Tribunal had appropriately considered the age of deceased Sushil Kumar @ Sushil as 27 years. He was claimed to be indulging in sale of clothes, while on motorcycle. However, relating to the same, no satisfactory evidence, as such, has been brought on record. In view of the same, learned Tribunal had considered the earnings of the deceased, as per the notified minimum wages, prevalent at the relevant time, for the unskilled worker to be Rs.9399.73, which was rounded off as Rs.9400/- per month. Considering the age of the deceased, appropriately the addition of 40%, on the count of 'future prospects' has been made as per dicta in *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*. Deduction of 1/3rd, on the count of 'personal expenses' is also appropriate. The multiplier of '17' as applied by learned Tribunal is also appropriate, as per



dicta in *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*. Besides the same, under the conventional heads, amount so awarded, also does not call for any enhancement.

Considering the same, there is no scope for enhancement and precisely, on this account, for reduction also.

Now, coming to the compensation awarded, qua death of Pooja. Learned Tribunal had worked upon the compensation on account of death of Pooja, in the tabular form, which is reproduced as herein given:-

Sr. No.	Heads	Calculation
(i)	Income	Rs.9000/- per month
(ii)	40% of (I) above to be added as future prospects	Rs.9000+3600=Rs.12,600/- per month
(iii)	1/2 of (ii) deducted as personal expenses of the deceased	Rs.12,600-6,300=Rs.6,300/-
(iv)	Compensation after multiplier of '17' is applied	Rs.6300x12x17=Rs.12,85,200/-
(v)	Loss of consortium	Rs.44,000/-
(vi)	Loss of estate	Rs.16,500/-
(vii)	Funeral expenses	Rs.16,500/-
	Total compensation awarded	Rs.13,62,200/-

Besides the aforesaid, on account of death of female fetus, as evident from the post-mortem report Ex.CW1/G, another amount of Rs.2 lakh was awarded. Thus, in total, compensation to the extent of Rs.15,62,200/- was awarded. Even though, the claim petition was filed by claimant No.1-mother-in-law of deceased and claimants No.2 and 3-Sonu Kumar and Dev @ Dev Kumar, who are brothers of deceased Pooja, but however, they have not stepped into witness box and very appropriately, claimants No.2 and 3 were concluded to be not dependent upon the deceased and qua them, the claim petition was dismissed.

However, the 'work on' of the compensation, do call for re-



computation.

On appraisal of the evidence, considering the recitals of the Aadhaar Card proved as Ex.CW1/F, wherein, the date of birth of Pooja was mentioned as 30.03.1993, it has been appropriately concluded by learned Tribunal, about the deceased to be 28 years 7 months and 21 days old. Also, from the contents of the post-mortem report Ex.CW1/G, it is evident that fetus in the womb had also died and the same was separated and handed over to the police. Even though, it was the claim that the deceased was running a boutique, but no satisfactory evidence, relating to the same, had come on record. Considering the same, as such, learned Tribunal had taken the notional earnings of deceased Pooja as that of housewife as Rs.9000/- per month.

Though, learned Tribunal, considering deceased Pooja to be housewife, had assessed the notional earnings as Rs.9000/- per month, but however, it is necessary to keep note that the accident had taken place on 22.11.2021. Deceased Pooja was about 28½ years old, at the relevant time. On the basis of the evidence on record, learned Tribunal had appropriately considered the deceased to be housewife. However, her contribution towards the household has not been appropriately considered.

It should always be kept in mind that the Motor Vehicles Act is a benevolent piece of legislation and the compensation awarded under the same ought to be '**just and reasonable**'. Time and again, it has been held by the Courts, that to determine the compensation for the services rendered by the homemaker to the house, is a difficult task. There is no data for determination of compensation by following any strait-jacket formula, but



however, taking into consideration, the multifarious duties rendered by the housewives for managing the entire family, the value of the services should be assessed and compensation be worked upon. In any case, it is not all the time required that the value of services, to be taken at the minimum tier of earnings, as that of unskilled worker. However, in the case in hand, the value of contribution made by the deceased towards her family has been taken, which was below the prevalent wages of the unskilled worker.

As noticed, in the earlier portion of the judgment, the minimum wages for unskilled worker was Rs.9399.73/-, which is rounded off as Rs.9400/- per month. It ought to be taken into consideration that soon before the accident, the deceased, in the capacity of being housewife, was taking care of her mother-in-law, husband and also brother-in-law, as father-in-law had since died and also, of her daughter Pari @ Gunnu. She was also carrying a child in her womb and it was full term pregnancy, at the relevant time. Keeping in view the same and also the multifarious duties, rendered by the deceased housewife, her notional earnings, are to be assessed, more particularly, considering the loss of personal care and attention given by the deceased housewife to the children, as a mother and to her husband, as a wife and also to the other family members.

Before proceeding further, beneficial reference is made to ***Rajendra Singh and others vs. National Insurance Company Limited and others, 2020(3) RCR (Civil) 26***, wherein, the Hon'ble Supreme Court, while dealing with case of death of a housewife, aged about 30 years, had made reference to earlier case law and observed, as herein given:-

“9. The first deceased was a housewife aged about 30 years. In



Lata Wadhwa vs. State of Bihar, (2001) 8 SCC 197, : 2001(4) RCR (Civil) 673 this court had observed that considering the multifarious services rendered by housewives, even on a modest estimation, the income of a housewife between the age group of 34 to 59 years who were active in life should be assessed at Rs 36,000 per annum. A distinction was also drawn with regard to elderly ladies in the age group of 62 to 72 who would be more adept in discharge of housewife duties by age and experience, and the value of services rendered by them has been taken at Rs 20,000 per annum.

10. In *Arun Kumar Agrawal vs. National Insurance Co. Ltd., (2010) 9 SCC 218 : 2010(3) RCR (Civil) 827*, the Tribunal assessed the notional income of the housewife at Rs.5,000/- per month, but without any rational or reasoning concluded that she was a non-earning member and reduced the same to Rs.2,500/-, which was affirmed by the High Court. Disapproving the same and restoring the assessed income, this Court observed at Paragraphs 26 and 27 as follows:

“26. In India the courts have recognised that the contribution made by the wife to the house is invaluable and cannot be computed in terms of money. The gratuitous services rendered by the wife with true love and affection to the children and her husband and managing the household affairs cannot be equated with the services rendered by others. A wife/mother does not work by the clock. She is in the constant attendance of the family throughout the day and night unless she is employed and is required to attend the employer’s work for particular hours. She takes care of all the requirements of the husband and children including cooking of food, washing of clothes, etc. She teaches small children and provides invaluable guidance to them for their future life. A housekeeper or maidservant can do the household work, such as cooking food, washing



clothes and utensils, keeping the house clean, etc., but she can never be a substitute for a wife/mother who renders selfless service to her husband and children.

27. It is not possible to quantify any amount in lieu of the services rendered by the wife/mother to the family i.e. the husband and children. However, for the purpose of award of compensation to the dependants, some pecuniary estimate has to be made of the services of the housewife/mother. In that context, the term “services” is required to be given a broad meaning and must be construed by taking into account the loss of personal care and attention given by the deceased to her children as a mother and to her husband as a wife. They are entitled to adequate compensation in lieu of the loss of gratuitous services rendered by the deceased. The amount payable to the dependants cannot be diminished on the ground that some close relation like a grandmother may volunteer to render some of the services to the family which the deceased was giving earlier.”

Thereupon, notional earnings of deceased housewife was held to be Rs.5,000/- per month, at the time of death and further, compensation was worked upon.

Even, in ***Sunita and others vs. Vinod Singh and others, 2025 SCC Online SC 586***, the Hon’ble Supreme Court expressed its respectful agreement with ***Rajendra Singh’s case (supra)*** and worked upon the compensation, while taking the earnings of deceased housewife as Rs.7000/- per month, who was 45 years old, which also included the family pension of the deceased and further made the calculation.

However, it is pertinent to mention that in the aforesaid cases,



the accident had taken place on 25.12.2012 and 07.02.2003. Since then, long time had flown by and keeping in view the value of rupee, having scaled down, in the fitness of the circumstances and also taking into consideration the minimum wages, prevalent at the relevant time, this Court deems it appropriate to consider the earnings of deceased Pooja as Rs.10,000/- per month.

To the aforesaid amount, considering the age of the deceased, addition of 40% ought to be made, on the count of 'future prospects' and deduction to the extent of 1/2, on the count of 'personal expenses', ought to be made, as done by the learned Tribunal. Even, the appropriate multiplier, to be applied is '17', as applied by the Tribunal.

Besides the aforesaid, under the conventional heads also, the compensation awarded by learned Tribunal is required to be enhanced. As per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, on the count of 'loss of consortium', the minimum amount payable is Rs.40,000/-. While applying enhancement clause to the extent of 10%, after every three years of passing of the judgment, the compensation payable is **Rs.48,400/-**. Even, on the count of 'loss of estate' and 'funeral expenses', the amount now payable is **Rs.18,150/-** on each count.

Even, qua death of female fetus, very appropriately, learned Tribunal has awarded an amount of **Rs.2,00,000/-**, which does not call for further change.

Considering the same, the compensation payable to appellant-claimant-Giarsi Devi, on account of death of Pooja is re-computed, as herein



given:-

Earnings	Rs.10,000/- per month
Addition of 40%	Rs.10,000+4,000=Rs.14,000/-
Deduction of 1/2	Rs.14000-7,000=Rs.7,000/- annual whereof is Rs.84,000/-
Multiplier of ‘17’	Rs.84,000x17= Rs.14,28,000/-
Loss of consortium	Rs.48,400/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Death of female fetus	Rs.2,00,000/-
Total	Rs.17,12,700/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.17,12,700-15,62,200=Rs.1,50,500/-**. On the enhanced amount of the compensation i.e. **Rs.1,50,500 /-**, the appellant-claimant-Giarsi Devi, shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

Now, coming to the compensation awarded, on account of death of Pari @ Gunnu. Learned Tribunal, while considering the deceased to be 8 years old, had assessed the notional earnings of the deceased as Rs.30,000/- and applied the multiplier of ‘15’ and thus, the notional income was worked upon as Rs.30000x15=Rs.4,50,000/-. Further, a sum of Rs.50,000/- was awarded under the conventional head. Besides the same, on the count of ‘funeral expenses’, another amount of Rs.15,000/- was awarded. Thus, in total, the compensation on the count of death of Pari @ Gunnu was worked upon as Rs.5,15,000/-.

Learned counsel for the appellant-claimant has assiduously submitted that while taking into consideration the principle as laid down in



'Kishan Gopal and another v/s Lala and others, 2013(4) RCR (Civil) 276' and also while making further reference to **'Meena Devi v/s Nunu Chand Mahto @ Nemchand Mahto and others, 2022(4) RCR (Civil) 553'**, the notional earnings, taken by learned Tribunal as Rs.30,000/-, is miserably on a lower side. In fact, he submits that taking into consideration the date of the accident, in the minimum, the compensation, should be enhanced.

The determination of damages for loss of human life, is extremely difficult task and it becomes all the more baffling, when the deceased is a child and/or a non-earning person. The future of a child is uncertain. Where the deceased was a child, he was not earning and had a prospect to earn, the question of assessment of compensation, therefore, becomes stiffer. The figure of compensation in such cases, involves a good deal of guesswork.

In **Lata Wadhwa's case (supra)**, the Hon'ble Supreme Court, held that while computing compensation, distinction between deceased children falling within the age group of 5 to 10 years and age group of 10 to 15 years, can be made. Further, it was observed that the compensation determined for the children, for all age groups, could be doubled, of what is stated in Schedule II of the Motor Vehicle Act, as the determination was made grossly inadequate and the loss of children is irrecoupable and no amount of money could compensate the parents. The principles laid down in the aforesaid case, was made applicable to the facts in the case of **Krishan Gopal's case (supra)** and it was thus considered as 'just and reasonable' to take notional income of Rs.30,000/- and applying the multiplier as laid down in **Sarla Verma's case (supra)** and it was observed as herein given:-



*"In view of the aforesaid reasons, it would be just and reasonable for us to take his notional income at Rs.30,000/- and further taking the young age of the parents, namely the mother who was about 36 years old, at the time of accident, by applying the legal principles laid down in the case of **Sarla Verma v. Delhi Transport Corporation**, the multiplier of 15 can be applied to the multiplicand. Thus, $30,000 \times 15 = 4,50,000$ and 50,000/- under conventional heads towards loss of love and affection, funeral expenses, last rites as held in **Kerala SRTS v. Susamma Thomas**, which is referred to in Lata Wadhwa's case and the said amount under the conventional heads is awarded even in relation to the death of children between 10 to 15 years old. In this case also we award Rs.50,000/- under conventional heads. In our view, for the aforesaid reasons the said amount would be fair, just and reasonable compensation to be awarded in favour of the appellants."*

In '**Kurvan Ansari alias Kurvan Ali and another v/s Shyam Kishore Murmu and another, 2022 (1) SCC 317**', the Hon'ble Supreme Court was of the view that it was necessary to increase the notional income by taking into account the inflation, devaluation of the rupee and cost of living and the notional income of a child aged about 10 years was considered as Rs.10,000/-.

Before advertng to the case in hand, it is pertinent to mention that in **Krishan Gopal's case (supra)**, the accident had taken place on 19.07.1992. In **Meena Devi's case (supra)**, where the accident had taken place on 29.07.2003, the Hon'ble Supreme Court had considered the case of death of a 12 year child, in a motor vehicular accident and while granting compensation, had observed that the principles laid down in case of **Krishan Gopal's case (supra)**, are aptly applicable to the facts of the case (in hand), and thus, took the notional earnings as Rs.30,000/- including future prospects and applied the multiplier of '15', in view of the decision of the Hon'ble Apex Court **Sarla Verma's case (supra)** and the loss of dependency



was worked upon to be Rs.4,50,000/- and addition of Rs.50,000/- was made under the conventional heads. The total compensation was worked upon as Rs.5,00,000/-.

Now, adverting to the case in hand, it is essential to take note of the fact that the accident had taken place on 22.11.2021 i.e. much after the date of accident of the cases under consideration in the aforesaid case law. Considering the same and also taking into consideration the devaluation of rupee and inflation going up, the notional earnings as taken by learned Tribunal, is on lower side. It is just and appropriate to take the notional earnings of deceased Pari @ Gunnu as Rs.50,000/-. The appropriate multiplier to be applied is ‘15’. By applying the same, the compensation is worked upon as Rs.50,000x15=**Rs.7,50,000/-**. Besides the same, on the count of ‘loss of consortium’ and ‘funeral expenses’, the amount now payable is **Rs.48,400/- and Rs.18,150/-** respectively.

Considering the same, the compensation payable to appellant-claimant, on account of death of Pari @ Gunnu, is re-computed, as herein given:-

Loss of dependency	:	Rs.7,50,000/-
Loss of consortium	:	Rs.48,400/-
Funeral expenses	:	Rs.18,150/-
Total	:	Rs.8,16,550/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.8,16,550-5,15,000=Rs.3,01,550/-**. On the enhanced amount of the compensation i.e. **Rs.3,01,550 /-**, the appellant-claimant-Giarsi Devi, shall be entitled to the



interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

Accordingly, the impugned Awards stands modified, to the extent, as indicated aforesaid.

With the above observations, the appeals filed by the insurance company i.e. **FAOs-3847, 3853 & 3859-2023 and appeal filed by appellant-claimant Giarsi Devi i.e. FAO-4662-2023** stand dismissed, whereas, other appeals filed by the appellant-claimant Giarsi Devi i.e. **FAOs-4661 & 4665-2023**, stand allowed.

The pending civil misc. applications, if any, shall stand disposed of.

February 19, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No