



133

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

FAO-4728-2014 (O&M)
Date of decision: 22.04.2026

Kamlesh Devi and another

...Appellants

Versus

Mukhtiar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajay Kumar Yadav, Advocate for
Mr. R.N. Lohan, Advocate for the appellants.

Mr. Anil Mehra, Advocate and
Mr. Sidhant Mehra, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. The parents of the deceased-Harsh @ Ashu, who was aged about 12 years at the time of the accident, have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, vide award dated 07.02.2014 had awarded an amount of compensation of Rs.2,50,000/- to the claimants along with interest on account of death of Harsh @ Ashu which had occurred in a motor vehicular accident which took place on 29.03.2013. The only issue that arises for consideration before this Court is whether the appellants are entitled to additional compensation or not as other aspects are not being disputed.

2. Learned counsel for the appellants has submitted that the



income of the deceased in the present case had been assessed as Rs.15,000/- per annum. It is submitted that as per the latest judgments of the Hon'ble Supreme Court passed in the case of **Baby Sakshi Greola Vs. Manzoor Ahmad Simon and another** reported as **2025(1) RCR (Civil) 238** as well as in the case of **Karuna Parmar Vs. Prakash Sinha and others and other connected matter**, reported as **2025 INSC 1244**, it has been held that the deceased child is not to be given notional income but the minimum salary is to be assessed by taking into consideration the minimum wages payable to a skilled worker in the concerned State as the said amount would be the minimum amount which the child would be able to earn when the child becomes a major. It is submitted that the minimum wages payable to a skilled worker on the relevant date was Rs.7925/- and thus, the same should be taken as monthly income of the deceased. It is further submitted that 40% increase in income on account of future prospects also deserves to be taken into consideration for paying final compensation to the appellants and that multiplier of '15' should be applied in the present case. It is thus, submitted that the appellants would be entitled to an additional compensation of Rs.8,83,550/- and the said additional compensation should be awarded to the appellants along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation.

3. Learned counsel for respondent No.3-Insurance Company, on the other hand, has submitted that since the deceased was a bachelor, thus, as per settled law, deduction of 1/2 is to be made. It is further submitted that the rate of interest which is sought to be claimed by the appellants i.e., 9% per annum is highly excessive and the highest rate of interest that can be



awarded on the additional amount of compensation is at best 6% per annum.

4. Learned counsel for the appellants, in rebuttal, after taking into consideration the objections raised on behalf of the Insurance Company, has submitted a revised chart after carrying out the deduction of 1/2 and as per the revised chart, it has been highlighted that the appellants would be entitled to Rs.8,83,550/-. The said revised chart is reproduced hereinbelow:-

“Deceased: Harsh @ Ashu
Accident: 29/3/2013
Age: 11 years D.O.B.: 19/10/2002
Prof:- Student

	Award	Appeal
Income	15,000/year	7925 x 12 = 95,100/ year
Future		40% = 1,33,140
Deduction		1/2 = 66,570
Multiplier	15	15
Conventional		15,000 15,000 80,000
	2,25,000 +9%	11,08,550 +7%
	8,83,550 + interest	

5. This Court has heard learned counsel for the parties and has perused the paper book.

6. The Hon’ble Supreme Court in the case of **Karuna Parmar** (Supra), while examining the case of a six years old child and after taking into consideration the law laid down in the case of **Baby Sakshi Greola** (Supra), had observed that while assessing the income, the minimum wages payable to a skilled workman, in the concerned State, is required to be taken



into consideration in the case of a deceased child, as the deceased child would be able to earn the same on becoming a major. Relevant portion of the said judgment is reproduced hereinbelow:-

“Deceased Child

14. Coming to the case of the deceased child, we are not inclined to accept the reasoning of the Tribunal on the yearly income. Recently, in ***Baby Sakshi Greola v. Manzoor Ahmad Simon and Another*** 2024 SCC Online SC 3692, J. B.R. Gavai, writing for the bench, has elaborated that:

"29. This Court in the case of Kajal (supra) has held that taking notional income is not the correct approach. Instead, the minimum wages payable to a skilled workman in the concerned State has to be taken into consideration because, that would be the minimum amount which she would have earned on becoming a major. In this case, the minimum wage payable to a skilled workman in the State of Delhi at the time of the accident, i.e., 2nd June 2009, was Rs. 4,358/- per month."

(Emphasis supplied) ”

7. It is not in dispute before this Court that on the relevant date, the minimum wages payable to a skilled worker in the State of Haryana was Rs.7925/- and thus, the income of the deceased should have been assessed as the said amount. The appellants are also entitled to 40% increase in the salary and would also be entitled to additional amounts under the conventional heads as has been mentioned in the revised chart. In the said circumstances, the appellants are entitled to an amount of Rs.8,83,550/- as additional compensation. With respect to the rate of interest, this Court has been consistently awarding rate of interest at the rate of 7.5% per annum,



which rate of interest is also reasonable in the present case.

8. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 07.02.2014 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.8,83,550/- to the appellants along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of six weeks from today.

9. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

22.04.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No