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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2288-2016 (O&M)
Date of Decision : 20.01.2026

BHANU AND ANR .... Appellants

VERSUS

VAKEEL @ SATTU AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Nipun Bhardwaj, Advocate for the appellants.

Mr. Sandeep Suri, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-8132-CII-2016

1. This is an application for condonation of delay of 25 days in filing the appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 25 days in filing the appeal is condoned.

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3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Kaithal (hereinafter referred to as the 'Tribunal') vide award dated 14.10.2015.

4. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

5. The deceased, in the present case, was a minor child, namely, Manjeet, aged 6 years, who died in an accident which took place on 28.09.2014. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Consolidated amount	₹4,50,000
2.	Last rites	₹20,000
3.	Loss of love and affection	₹50,000
	Total Compensation	**₹5,20,000**
	Interest	**@ 7.5% per annum**

6. Learned counsel for the claimant-appellants would contend that the Tribunal has erred in awarding a consolidated amount on account of death of Manjeet who was 6 years old at the time of the accident. Learned counsel for the claimant-appellants while relying upon the judgment of the Hon'ble Supreme Court in the cases of **Baby Sakshi Greola Vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]** and **Kajal Vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]** contends that though cases of injury, however, in both the cases a minor was involved and the income was assessed as that of a skilled worker and a multiplier of 18 was also applied. It is further the contention that no addition has been made towards future prospects. Learned counsel would still further contend that the amounts awarded under the conventional heads and under the head loss of consortium are not in accordance with the law laid down by the Hon'ble Supreme Court. In support of his contentions, learned counsel for the claimant-appellants has relied upon the judgment 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]**.

7. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount had already been awarded as compensation in the present case and that there is no scope of any enhancement. It is further the contention of the learned counsel that in case a multiplier method is to be applied then deduction would have to be made.

8. Heard.

9. In the present case the deceased was 6 years of age and the Tribunal had granted a consolidated amount. The argument of the learned counsel for the claimant-appellants that the income of the deceased ought to have been assessed as that of a skilled worker deserves to be accepted. The Hon'ble Supreme Court in the case of **Baby Sakshi Greola** (supra), while relying upon the case of **Kajal** (supra), assessed the notional income of a 7-year-old child, who had received injuries, on the basis of minimum wages payable to a skilled worker. Still further, the Hon'ble Supreme Court recently in the case of **Karuna Parmar vs. Prakash Sinha & Ors. [2025 (1) TAC 730]**, yet again relying on **Baby Sakshi Greola** (supra), awarded the compensation in the case of a 6-year-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. Further still, the Hon'ble Supreme Court in

the cases of **Master Ayush Vs. The Branch Manager, Reliance General Insurance Company Limited & Anr. [2022 (2) RCR (Civil) 760]** and **Minor Roopa Vs. The Divisional Manager, New India Assurance Company Limited [2024 (12) SCC 490]**, wherein for the death of a minor child aged 5 and 6 years, respectively, income of the deceased was calculated on the basis of minimum wages for a skilled workman. The minimum wages of a skilled worker at the time of the accident i.e. 28.09.2014 were ₹6,029 per month. Hence, the income of the deceased is assessed as ₹6,029 (rounded off to ₹6,050) per month. As per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier of '18' would be applicable keeping in view the age of the deceased being 6 years at the time of the accident. No addition has been awarded towards future prospects. As per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects. No deduction was made by the Tribunal, which ought to have been 1/2.

10. Further, the amounts awarded under the conventional heads and under the head loss of consortium are not in consonance with the law laid down by the Hon'ble Supreme Court. 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), the claimant-appellants would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The claimant-appellants, being the parents of the deceased, would

also be entitled to ₹48,000 each (₹40,000 + 20% increase) under the head filial consortium.

11. Accordingly, the reworked compensation to which the claimant-appellants are entitled is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹6,050
2.	Annual income	[₹6,050 x 12] = ₹72,600
3.	Deduction 1/2	[₹72,600 - ₹36,300] = ₹36,300
4.	Future prospects @ 40%	[₹36,300 + ₹14,520] = ₹50,820
5.	Multiplier of '18'	[₹50,820 x 18] = ₹9,14,760
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Filial	 [₹48,000 x 2] = ₹96,000
	Total Compensation	**₹10,46,760**

12. 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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

13. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 (SC) 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank accounts of the claimant-appellants within a period of six weeks from today. The particulars of the bank accounts along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent No.3-Insurance company within a

period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

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

20.01.2026 **(ALKA SARIN)**
Aman Jain **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No