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

FAO-1600-2017 (O&M)
Date of decision : 06.04.2026

Sultan Singh and others

...Appellants

Versus

Kanwar Pal and another

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: M. Akash Mehra, Advocate,
for Mr. Ajay Ghangas, Advocate,
for the appellants.

Mr. N.K. Chhokar, Advocate,
for respondent No.1-driver.

None for respondent No.2-owner.

HARPREET KAUR JEEWAN, J.

1. Appellants-claimants are seeking enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Panipat (*hereinafter referred to as the 'Tribunal'*), regarding the death of Pardeep (since deceased), in a roadside accident, which took place on 28.02.2013.

2. The Tribunal vide Award dated 28.07.2016, awarded compensation of Rs.5,04,000/- to the claimants, holding that Pardeep died due to the road-side accident which was a result of rash and negligent driving of the tractor-trolley bearing registration No.HRV-4594, by respondent No.1.

2.2 The Tribunal considered the age of the deceased as 17 years; assessed the notional income of the deceased as Rs.3,000/- per



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month, and the respondents-driver & owner of the tractor-trolley were ordered to pay compensation to the appellant-claimants in the following manner:-

Sr. No.	Heads	Compensation Awarded
1.	Annual income	Rs. 36,000/- (3,000 X 12)
2.	Deduction towards personal expenses (50%)	Rs.18,000/- (36,000 – 18,000)
3.	Multiplier	18
4.	Loss of dependency	Rs.3,24,000/- (18,000 X 18)
5.	Funeral expenses	Rs.25,000/-
6.	Loss of love and affection	Rs.1,50,000/- (50,000 X 3)
7.	Loss of estate	Rs.5,000/-
8.	Total :	Rs.5,04,000/-

2.3 The present appeal, filed by the claimants seeking enhancement, has been contested by the driver and owner of the offending vehicle.

3. Learned counsel for the appellants contends that the deceased was minor and his age was 17 years at the time of the accident. The findings of the Tribunal treating the notional income of the deceased as Rs.3,000/- per month are erroneous. The income is to be treated on the basis of Minimum Wages Notification issued by the State Government for the relevant period. It is further contended that even the Future Prospects have not been added. Cites *Sarla Verma & Ors. vs. Delhi Transport Corporation & Ors., (2009) 6 SCC 121*, *National Insurance Company Ltd. vs. Pranay Sethi & Ors., (2017) 16 SCC 680* and *Magma*



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*General Insurance Company Limited vs. Nanu Ramalias Chuhru Ram &**Ors., (2018) 18 SCC 130.*

4. *Per contra*, learned counsel appearing on behalf of respondent No.1-driver contends that appropriate compensation has already been awarded on the basis of the evidence on record and there is no scope for enhancement.

5. I have heard learned counsel for the parties and perused the paper book.

6. It is not disputed that age of the deceased was 17 years at the time of the accident. It has been held by the Hon'ble Supreme Court in various judgments that taking notional income in the case of a minor is not the correct approach. In *Kajal v. Jagdish Chand and others (2020) 4 SCC 413*, where the age of the victim was 12 years, Hon'ble Apex Court discarded the method of treating notional income of the minor victim and considered the Minimum Wages applicable to a skilled worker and worked out the compensation. Similarly in *Baby Sakshi Greola v. Manzoor Ahmad Simon and another, 2025 (1) RCR (Civil) 238*, Hon'ble the Supreme Court held that in the cases of minor victims, taking notional income is not a correct approach. The decision in Baby Sakshi (supra) has been further upheld by the Hon'ble Apex Court in *Karuna Parmar v. Prakash Sinha and others 2025 INSC*, while calculating the income of the deceased-minor child. It was held as follows:-



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“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 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)

15. For this purpose, we advert to the notification under the Minimum Wages Act, 1948, for a skilled worker in 2014 wherein Rs. 223/- per day has been fixed. The monthly income of the deceased comes to Rs.6,690/-, and consequently, the yearly income of the deceased has to be considered as Rs.80,280/-. The compensation payable, therefore, is as follows :

Final Compensation of Deceased Avika Parmar

Compensation Heads	Amount Awarded	In Accordance with
Monthly Income	223 x 30 = Rs.6,690/-	Baby Sakshi Greola v. Manzoor Ahmad Simon and another, (2022) SCC Online SC 3692
Yearly Income	6,6,90 x 12 = Rs.80,280/-	
Future Prospects (40%)	80,280 x 40% = Rs.1,12,392/-	
Deduction (1/2)	1,12,392/2 = Rs.56,196/-	
Multiplier (18)	56,196 x 18 = Rs.10,11,528	National Insurance Co. Ltd. V. Pranay Sethi 92017) 16



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		SCC 680 para 42 & 59
Loss of Estate	Rs.18,150/-	
Loss of Funeral Expenses	Rs.18,150/-	
Loss of Consortium	48,400 x 2 = Rs.96,800/-	
Total	Rs.11,44,628/-	

”

6.1 In the present case, the accident took place on 28.02.2013. As per the notification issued by the Labour Commissioner, Haryana, the Minimum Wages for a skilled worker in the year 2013 was Rs.5732.15 per month. As such, the compensation on account of loss of dependency is to be calculated by treating the income of the deceased as Rs.5730/- per month.

7. The future prospects are also to be considered in view of the decision by the Hon’ble Apex Court in *Pranay Sethi (supra)*. The deceased was 17 years of age at the time of his death. As such, an addition of 40% towards future prospects is to be considered, while computing the compensation.

8. The appellant-claimant Nos.1 & 2 are the parents of the deceased and appellant-claimant No.3 is the minor brother of the deceased, as such, all are entitled for compensation under the head of loss of consortium. The amount awarded under the other conventional heads also needs to be revised in view of the latest law laid down by the Hon’ble Supreme Court in *Pranay Sethi (Supra)*.



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9. In view of the facts and circumstances of this case and the decisions referred to hereinabove, the compensation is re-worked as under:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.5730/-
2.	Annual income	Rs.68,760/- [5730 x 12]
3.	Deduction @ 50%	Rs.34,380/- [68,760 – 34,380]
4.	Future prospects @ 40%	Rs.48,132/- [34,380 + Rs.13,752]
5.	Multiplier of '18'	Rs.8,66,376/- [Rs.48,132 x 18]
6.	Loss of dependency	Rs.8,66,376/-
7.	Funeral expenses	Rs.18,000/-
8.	Loss of estate	Rs.18,000/-
9.	Loss of consortium (spousal, filial and parental)	Rs.1,44,000/- [Rs.48,000/- x 3]
	Total Compensation	Rs.10,46,376/-
	Interest @ 7.5% per annum	On excess amount

10. In view of the decision by the Hon'ble Supreme Court in *Parminder Singh vs. Honey Goyal & Ors., 2025 INSC 361*, after calculation of the enhanced amount, the same shall be transferred by respondent Nos.1 & 2 in the Bank Accounts of the claimant-appellants within a period of 06 weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent Nos.1 & 2-driver & owner within a period of two weeks from today and needful shall be done by respondent Nos.1 & 2 after verification thereof within a period of four



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weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

11. In view of the above discussion, the present appeal is partly allowed and the Award of the Tribunal is modified accordingly.

12. Pending Miscellaneous Application(s), if any, shall also stand disposed of.

06.04.2026

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**[HARPREET KAUR JEEWAN]
JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No