



114-1
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
FAO-2889-2017 (O&M)
Date of Decision : 10.03.2026

MAMTA Appellant
VERSUS
DARSHAN SINGH AND ORS Respondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vivek Suri, Advocate for the appellant.
Service of respondents No.1 and 2 dispensed with
vide order dated 24.10.2019.
Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as ‘the Tribunal’) vide award dated 11.01.2017.
2. 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.
3. The Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Annual income	₹30,000
2.	Multiplier ‘14’	[₹30,000 x 14] = ₹4,20,000
3.	Loss of love and affection	₹50,000
	Total Compensation	₹4,70,000
	Interest	@ 6% per annum

4. Learned counsel for the claimant-appellant would contend that the Tribunal has erred while assessing the notional income on account of death of Rhythm Dhiman who was 10 years old at the time of the accident. Learned counsel for the claimant-appellant 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. Learned counsel would further contend that in the present case also since the deceased was 10 years of age, her income ought to have been assessed as that of a skilled person, rather than assessing the same notionally, which was around ₹8,524 per month at the time of the accident. 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 are not in accordance with the law laid down by the Hon'ble Supreme Court and that no amount has been awarded under the head loss of consortium. In support of his contentions, learned counsel for the claimant-appellant has relied upon the judgments of the Hon'ble Supreme Court in the cases of **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.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 future prospects are being added then deduction would have to be made.

6. Heard.

7. In the present case, admittedly, there is no appeal filed by respondent No.3-Insurance Company. The deceased was 10 years of age and the Tribunal had assessed the income notionally. The argument of the learned counsel for the claimant-appellant 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 by applying a multiplier of '18'. 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 minor children aged 5 and 6 years, respectively, income of the deceased was calculated on the basis of minimum wages for a skilled workman and by adding 40% towards future prospects and applying a multiplier of 18.

8. In a recent judgment the Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr. [2025 (4) TAC 55]** 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. 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. 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].”

In para 15 of the aforesaid judgment, their Lordships further held as under:

“15. For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matrix of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court’s interference, applying well-established principles of law.”

The minimum wages of a skilled worker at the time of the accident i.e. on 09.08.2015 were around ₹8,524 per month. Hence, the income of the deceased is assessed as ₹8,524 (rounded off to ₹8,550 per month). As per the law laid down by the Hon’ble Supreme Court in the case of **Karuna Parmar** (supra) and **Hitesh Nagjibhai Patel** (supra), a multiplier of 18 would be applicable in the present case. No addition has been made towards future prospects. Accordingly, 40% addition is made towards future prospects. No deduction was made by the Tribunal, which ought to have been 50%.

9. Further, the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses are not in consonance with the law laid down by the Hon'ble Supreme Court and no amount has been awarded 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), the claimant-appellant 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-appellant, being the mother of the deceased, would be entitled to amount under the head loss of consortium to the tune of ₹48,000 (₹40,000 + 20% increase).

10. Accordingly, the reworked compensation to which the claimant-appellant is entitled is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹8,550
2.	Annual income	[₹8,550 x 12] = ₹1,02,600
3.	Deduction @ 50%	[₹1,02,600 - ₹51,300] = ₹51,300
4.	Future prospects @ 40%	[₹51,300 + ₹20,520] = ₹71,820
5.	Multiplier of 18	[₹71,820 x 18] = ₹12,92,760
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium Filial consortium	₹48,000
	Total Compensation	₹13,76,760

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]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank account of the claimant-appellant within a period of six weeks from today. The particulars of the bank account along with the requisite documents in support thereof shall be furnished by the claimant-appellant 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.

13. 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.

10.03.2026
Aman Jain

(ALKA SARIN)
JUDGE

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