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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5594-2017 (O&M)
Date of Decision : 19.02.2026

SBI General Insurance Company Ltd. ... Appellant(s)

Versus

Sangeeta & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Satpal Dhamija, Advocate for the appellant.

Mr. Maneet Kaushik, Advocate for respondent Nos.1 and 2.

Mr. Vivek Daryal, Advocate and
Mr. Naveen Daryal, Advocate for respondent Nos.3 and 4.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the appellant-Insurance Company aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'Tribunal') vide the impugned award dated 18.03.2017 in a motor vehicle accident which occurred on 09.11.2015.

2. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

3. In the present case, the claim petition was filed on account of death of a 15 months' old child, namely, Akash, by the parents of the deceased. When Akash (since deceased) was playing outside his house, respondent No.3, who was driving the offending car bearing registration No.HR-70B-4063 rashly and negligently, hit Akash and ran away. Akash received multiple

grievous injuries and eventually succumbed to his injuries. FIR No.1024 was also registered under Sections 279/304-A of the Indian Penal Code, 1860. The Tribunal vide the impugned award had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Annual notional income	₹30,000/-
2	Multiplier of 17	[₹30,000 x 17] = ₹5,10,000/-
3	Loss of love and affection	₹2,00,000/- [₹1,00,000 x 2]
4	Funeral expenses	₹50,000/-
	Total Compensation	**₹7,60,000/-**
	Interest	**9% per annum**

4. Learned counsel for the appellant-Insurance Company would contend that the multiplier applied in the present case is 17, which ought to be 15. It is further the contention of the learned counsel that the compensation awarded towards loss of love and affection as well as funeral expenses are on the higher side.

5. Learned counsel for the claimant-respondent Nos.1 and 2 has contended that in the present case the deceased was a 15 months' old child and the compensation awarded by the Tribunal is on the lower side inasmuch as the Tribunal has assessed the notional income of the deceased as ₹30,000/- per annum only and has applied a multiplier of 17. Learned counsel has relied upon the judgements 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]** to contend that though these are injury cases, however, in both 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 has further relied upon the judgment of the Hon'ble Supreme Court in the case of **Karuna Parmar**

vs. Prakash Sinha & Ors. [2025 (1) TAC 730], wherein their Lordships while relying on **Baby Sakshi Greola** (supra), awarded the compensation in the case of a 6 years' old child who had died in an accident which occurred on 07.03.2014 as per the minimum wage applicable for a skilled worker. Learned counsel has further relied upon the judgment of the Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr. [2025 (4) ACJ (SC) 36],** wherein their Lordships had awarded the compensation in the case of a 8 years' old child who had died in an accident which occurred on 14.10.2012 as per the minimum wages applicable for a skilled worker and applied a multiplier of '18' besides granting future prospects and compensation under the other heads. Learned counsel has further contended that though no appeal has been preferred by the claimants, however, this Court under Order XLI Rule 33 of the Code of Civil Procedure, 1908 is empowered to make or pass any such order as required notwithstanding that an appeal or cross-objections have not been preferred by the claimants especially in view of the fact that the Motor Vehicles Act, 1988 is a beneficial piece of legislation. In support of his contentions, the learned counsel has relied upon the judgment of the Hon'ble Supreme Court in the case of **Surekha & Ors. vs. Santosh & Ors. [2021 (1) PLR 795]**.

6. I have heard learned counsel for the parties.

7. The argument of the learned counsel for the appellant-Insurance Company that a multiplier of 15 ought to be applied cannot be accepted in view of the law laid down by the Hon'ble Supreme Court in the cases of **Karuna Parmar** (supra) and **Hitesh Nagjibhai Patel** (supra).

8. The argument of the learned counsel for the appellant-Insurance Company that the compensation awarded towards loss of love and affection

and funeral expenses is on the higher side deserves to be accepted in view of the law laid down by 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]**. Hence, the claimants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimant (mother of the deceased) would also be entitled to ₹48,000/- (₹40,000+20% increase) towards loss of consortium.

9. The argument of the learned counsel for the claimants that despite there being no appeal, this Court is empowered under Order XLI Rule 33 CPC to pass any order as may be required, deserves to be accepted in view of the law laid down by the Hon'ble Supreme Court in the case of **Surekha** (supra), wherein it has been held as under :

> *"3. By now, it is well-settled that in the matter of insurance claim compensation in reference to the motor accident, the court should not take hyper technical approach and ensure that just compensation is awarded to the affected person or the claimants."*

10. In view of the order in the case of **Surekha** (supra) and especially in view of the fact that the Motor Vehicles Act, 1988 is a beneficial piece of legislation, though no appeal has been preferred by the claimants, however, in order to do complete justice to the claimants, this Court deems it appropriate to invoke the provisions of Order 41 Rule 33 CPC to enhance the compensation.

11. The argument of the learned counsel for the claimant-respondent Nos.1 and 2 that the income of the deceased ought to have been assessed as that of a skilled worker deserves to be accepted. In the present case, the Tribunal has assessed the notional income of the deceased as ₹30,000/- per annum only and has applied a multiplier of 17. The same in the opinion of this Court is erroneous inasmuch as admittedly the deceased was a 15 months' old child and his income ought to have been assessed as per the minimum wage as applicable to a skilled worker with a multiplier of '18'. Hon'ble Supreme Court in the case of **Karuna Parmar** (supra) while relying on **Baby Sakshi Greola** (supra), awarded the compensation in the case of a 6 years' old child who had died in an accident which occurred on 07.03.2014 as per the minimum wage applicable for a skilled worker in the year 2014.

12. In a recent judgment, Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel** (supra), 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. <u>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</u>. 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]."*

13. Their Lordships in the above referred cases applied a multiplier of '18' besides granting future prospects and compensation under the other heads. Taking a cue from the afore-referred judgments, this Court deems it appropriate to assess the income as per the minimum wage for a skilled worker as applicable in November 2015 as the accident took place on 09.11.2015. The minimum wage prevailing in Haryana in November 2015 was ₹6,276/- per month. A multiplier of '18' is also applicable in the present case.

14. Since no addition has been made towards loss of future prospects, an addition of 40% ought to have been applicable. Further, keeping in view the age of the child, 50% deduction would be applicable as held by the Hon'ble Supreme Court in the cases of **Bishnupriya Panda vs. Basanti Manjari Mohanty & Anr. [2023(4) TAC 44]** and **Kandasami & Ors. vs. Lindabriyal & Anr. [2023(3) TAC 30]**.

15. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹6,276/-
2	Annual Income	₹75,312/- [₹6,276 x 12]
3	Deduction - 50%	₹37,656/- [₹75,312 - ₹37,656]
4	Future Prospects - 40%	₹52,719/- [₹37,656 + ₹15,063]
5	Multiplier - 18	₹9,48,942/- [₹52,719 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial [₹48,000/- x 2]	₹96,000/-
	Total Compensation	**₹10,80,942/-**

16. 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.

17. In view of the decision by the Hon’ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants within six weeks from today and the apportionment thereof shall be as per the direction of the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

18. In view of the above discussion, the impugned award passed by the Tribunal stands modified and the present appeal stands disposed off. Pending applications, if any, also stand disposed off.

19.02.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO