



113

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

FAO-5440-2022 (O&M)

Date of Decision : 11.02.2026

JANENDER (DECEASED) THR LRS AND ORS

.... Appellants

VERSUS

QAYYUM AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pankaj Maini, Advocate for the appellants.

Mr. Lalit Garg, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Jhajjar (hereinafter referred to as 'the Tribunal') vide award dated 30.08.2022. In an accident which took place on 22/23.01.2018, four young lives were lost. Four separate claim petitions were filed. All the four claim petitions were disposed off vide a common award dated 30.08.2022. In the present case, the claim petition was filed by the father and four married sisters of the deceased.

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 only compensation awarded by the Tribunal is under the conventional heads i.e. loss of estate, funeral expenses, under the head loss of

consortium and towards loss of love and affection. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Funeral expenses	₹15,000
2.	Loss of estate	₹15,000
3.	Love and affection	[₹25,000 x 4] = ₹1,00,000
4.	Loss of consortium	[₹40,000 x 4] = ₹1,60,000
	Total Compensation	₹2,90,000
	Interest	@ 9% per annum

4. Learned counsel for the claimant-appellants would contend that at the time of filing of the claim petition, the father of the deceased was alive and that it was only during the pendency of the claim petition the father of the deceased died. Learned counsel would further contend that the father of the deceased may not be treated as dependent on the deceased, however, the Tribunal ought to have assessed the income, made deduction towards personal expenses and addition towards future prospects and also applied the multiplier keeping in view the law laid down by the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]** and **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**. Learned counsel for the claimant-appellants would further contend that the amounts awarded under the conventional heads and under the head loss of consortium are on the lower side. In support of his contention, learned counsel has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Pranay Sethi (supra)**, **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors.**

[(2018) 18 SCC 130] and **N. Jayasree & Ors. vs. Chola mandalam 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 the married sisters are not entitled to any amount under the other heads and that the amounts under the conventional heads and under the head loss of consortium have already been awarded. Learned counsel would further contend that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Heard.

7. In the present case, admittedly, there is no appeal filed by respondent No.3-Insurance Company. When the claim petition was filed, the father of the deceased was alive. Once the father of the deceased himself had filed the claim petition along with the sisters, it was incumbent on the Tribunal to have assessed the income, made deduction towards personal expenses and addition towards future prospects and also applied the multiplier. The age of the deceased in the present case was 18 years at the time of the accident. There is sufficient un rebutted evidence on the record to prove that the deceased was a student of Class-11. The Hon'ble Supreme Court in the case of **Baby Sakshi Greola vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]**, while relying upon the case of **Kajal vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]**, 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 (2) Civil LJ 304]**, 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, 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 matric 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. 22/23.01.2018 were around ₹9,836 per month. Hence, the income of the deceased is assessed as ₹9,836 (rounded off to ₹9,850 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 1/2 since the deceased was a bachelor.

9. Further, the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses 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. Since the father of the deceased had died during the pendency of the claim petition, the sisters of the deceased (now claimant-appellants) would be entitled to amount under the head loss of consortium to the tune of ₹48,000 each (₹40,000 + 20% increase).

10. Since the amount has been awarded under all the heads, the compensation to which the claimant-appellants are entitled to, including the amount awarded under the head loss of love and affection, is reworked as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,850
2.	Annual income	[₹9,850 x 12] = ₹1,18,200
3.	Deduction @ 50%	[₹1,18,200 - ₹59,100] = ₹59,100
4.	Future prospects @ 40%	[₹59,100 + ₹23,640] = ₹82,740
5.	Multiplier of 18	[₹82,740 x 18] = ₹14,89,320
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium Filial consortium	[₹48,000 x 4] = ₹1,92,000
	Total Compensation	₹17,17,320

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. The amount shall be apportioned between the claimant-appellants equally.

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 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.

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.

11.02.2026

Aman Jain

(ALKA SARIN)

JUDGE

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