Sr. No.210

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4676-2018 (O&M)
Date of decision: 13th February 2026

JAGWANTI AND ANOTHER ....Appellants

versus

SHAMSHER AND OTHERS ....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. R.K. Chaudhary, Advocate for
Mr. Sukhdeep Parmar, Advocate
for the appellants.

None for respondent No.3-Insurance Company.

HARPREET KAUR JEEWAN, J. (ORAL)

1. By way of filing the present appeal, the appellants are seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Panipat, by assailing the correctness of the Award dated 15.03.2018, regarding the death of their son-Anil Kumar.

2. Relevant facts, in brief, are that on 05.08.2016, appellant-Ajay along with his son-Anil, was going from Israna to Village Mandi by car. At about 1:15 PM, when the reached Mandi, a car make Captiva bearing Registration No.DL-9-CT-3297, which was being driven by respondent No.1 at a high speed, struck with the car of the appellants, as a result of which, their car got imbalanced and struck in the tree. Resultantly, the occupants of the car sustained injuries. Respondent No.1 fled away from the spot. FIR No.182 dated 05.08.2016, was registered under Sections 279, 337, 338 and 304-A IPC, at Police Station Israna.

3. The claimants, being parents of deceased-Anil, filed a claim petition, which was contested by the driver and owner of the vehicle as well as by the Insurance Company. The Tribunal awarded a sum of Rs.7,35,000/- as compensation in respect to the death of their son-Anil Kumar, as per the following calculations:-

1.	Age of deceased	19 years
2.	Student of	10+2
3.	Notional income	Rs.40,000/- per annum
4.	Multiplier	18
5.	Compensation	Rs.40,000/- X 18 = Rs.7,20,000/-
6.	Funeral expenses	Rs.15,000/-
	Total	Rs.7,20,000/- + Rs.15,000/- = **Rs.7,35,000/-**

4. Learned counsel for the appellants contends that the compensation has not been rightly awarded, as such, the same needs to be re-worked.

5. Despite notice, none appeared on behalf of respondent No.3-Insurance Company.

6. I have heard learned counsel for the appellants and perused the paper book.

7. The Tribunal has considered the notional income of the deceased as Rs.40,000/- per annum, which is not the correct approach. In ***"Kajal v. Jagdish Chand and others"; (2020) 4 SCC 413***, the Hon'ble Apex Court discarded the method of treating notional income of the minor victim (12 years in that case) and considered the minimum wages payable to a skilled worker and worked out the compensation. In ***"Baby Sakshi Greola vs. Manzoor Ahmad Simon and Another; 2025 (1) RCR (Civil) 238,*** the

Hon'ble Apex Court held that in the case of a minor victim, taking notional income is not a correct approach. The minimum wages payable to a skilled worker has to be taken into consideration because that would be the minimum amount which a victim would have earned on becoming a major.

8. The decision in ***Baby Sakshi Greola's case (supra)*** has been followed by Hon'ble Apex Court in "***Karuna Parmar vs. Prakash Sinha and Others"; 2025 INSC 1244*** while calculating the compensation of a deceased minor child. In the said case, the parents got injured but minor daughter aged 6 years died in a motor-vehicle accident. The Tribunal awarded compensation by calculating her prospective annual income. The Hon'ble Apex Court held that taking notional income is not the correct approach. Instead, the minimum wages payable to a skilled man 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. The following observations were made by the Hon'ble Apex Court : -

> "Deceased Child
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> 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 :
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> > "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 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/-**"

9. In the present case, the age of the deceased is 19 years and this fact has not been disputed. The accident took place on 05.08.2016. As per Notification No.I.R.-2/2016/40727-883 dated 21.10.2016, minimum wages for a skilled workman were Rs.9,809.66/- per month (rounded off as Rs.9,810/- per month), as per which, the monthly income of the deceased

comes out to Rs.9,810/- and consequently, the annual income of the deceased has to be considered as Rs.1,17,720/-.

10. The compensation payable, therefore, is re-worked as under:-

Compensation Heads		**Amount Awarded**
Monthly Income	-	Rs.9810/-
Yearly Income	-	9810 X 12 = Rs.1,17,720/-
Future Prospects	-	1,17,720 + 40% = Rs.1,64,808/-
Deduction (1/2)	-	1,64,808 X ½ = Rs.82,404/-
Multiplier (18)	-	82,404 X 18 = Rs.14,83,272/-
Loss of dependency	-	**Rs.14,83,272/-**
Loss of Estate	-	**Rs.18,000/-**
Loss of filial consortium	-	**48,000 x 2 = Rs.96,000/-**
Funeral expenses	-	**Rs.18,000/-**
Total Compensation	-	**Rs.16,15,272/-**
Interest @ 7.5% per Annum on enhanced amount		

11. The amount in excess of the amount awarded by the Tribunal shall attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount. However, the claimants-appellants shall not be entitled to any interest for the period of delay in filing the main appeal.

12. In view of the decision by the Hon'ble Apex Court in "***Parminder Singh vs. Honey Goyal and Others; 2025 INSC 361,*** after calculation of the enhanced amount, the same shall be transferred by respondent No.3-Insurance Company in the Bank Accounts of the claimants-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 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 instant appeal is partly allowed and the Award passed by the Tribunal is modified accordingly.

14. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13th February 2026
simran

Whether speaking/reasoned	:	*Yes/No*
Whether reportable	:	*Yes/No*