



FAO-5608-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-5608-2025 (O&M)
Date of decision :12.01.2026

REKHA DEVI ... APPELLANT

VERSUS

RAJESH KUMAR AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rajesh Kumar, Advocate
for the appellant.

PARMOD GOYAL, J.

1. The claimant is dissatisfied with the impugned award dated 04.01.2025 passed by the Motor Accident Claims Tribunal, Narnaul, whereby compensation to the tune of ₹8,34,700/- was awarded on account of the death of deceased Riya, aged 4 years, which occurred due to the rash and negligent driving of the offending vehicle bearing registration No. HR-66A-7629, by respondent No. 1.
2. The compensation awarded by the Tribunal under various heads is as under:

Sr. No.	Head under which amount awarded	Amount
1.	Loss of dependency	Rs. 7,50,000/-
2.	Compensation on account of consortium	Rs. 48,400/-
3.	Funeral Expenses	Rs. 18,150/-
4.	Compensation on account of loss of estate	Rs. 18,150/-
	TOTAL	Rs. 8,34,700/-



3. The facts are not in dispute. Deceased Riya was aged 4 years and died in a roadside accident. Learned counsel for the appellant has argued that the learned Tribunal ought to have taken the notional income of the deceased at a higher figure than what was assessed. It is, however, worth noticing that before the Tribunal, learned counsel for the claimant-appellant himself had prayed that the income of the deceased be taken as ₹50,000/- per annum.

4. The learned Tribunal, after assessing the notional income of the deceased at ₹50,000/- per annum, applied a multiplier of 15 and accordingly granted compensation of ₹7,50,000/- on account of loss of dependency. Further, compensation of ₹48,400/- was awarded towards filial consortium to the claimant-appellant, who is the mother of the deceased. Additionally, compensation of ₹18,150/- each was granted towards funeral expenses and loss of estate. Tribunal has assessed the notional income of the deceased at ₹50,000/- per annum. Approach of Tribunal cannot be said to be erroneous and cannot be held to be on the lower side, particularly when the deceased was only 4 years of age and the claim of dependency is based purely on notional income. Furthermore, the Tribunal has not made any deduction towards personal expenses which in present case would have been to the extent of 50%. Since, the deceased was a minor and had no established income, the loss of dependency is only hypothetical in nature.

5. In such circumstances, no addition towards future prospects can be granted in view of the law laid down by the Hon'ble Supreme Court in ***National Insurance Company Ltd. v. Pranay Sethi and others***, 2017 (4) RCR (Civil) 1009. The addition of future prospects—whether 50%/40% or 30%/25% or 15%/10% is applicable only in cases where the deceased had an established or permanent source of income or was self-employed, on a fixed salary. In the present case, since the compensation has been assessed solely on the basis of notional income



of a minor child, no future prospects can be added for determining compensation.

6. The approach adopted by the learned Tribunal cannot be faulted. There is no scope for further enhancement. Consequently, the appeal preferred by the appellant is without any merit and is accordingly dismissed.

7. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

12.01.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No