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

FAO-5962-2023 (O&M)

Date of Decision : 25.02.2026

Vandana Devi

... Appellant(s)

Versus

Ram Singh & Ors.

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Davinder Kumar, Advocate for
Mr. P.K.S. Phoolka, Advocate for the appellant.

Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

CM-20352-CII-2023

1. For the reasons mentioned therein, the application seeking condonation of delay of 380 days in filing the appeal is allowed and the delay of 380 days in filing the appeal is condoned. However, the claimant-appellant shall not be entitled to any interest for the period of delay in filing the appeal.

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2. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as 'Tribunal') vide the impugned award dated 04.07.2022 in a motor vehicle accident which occurred on 19.10.2020.

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

4. The Tribunal in the present case had awarded the following compensation :

Sr.No.	Heads	Compensation Awarded
1	Annual notional Income	₹36,000/-
2	Deduction - 50%	₹18,000/- [₹36,000 - ₹18,000]
3	Multiplier - 15	₹2,70,000/- [₹18,000 x 15]
4	Funeral expenses	₹16,500/-
5	Loss of consortium	₹44,000/-
	Total Compensation	₹3,30,500/-
	Interest	7.5%

5. Learned counsel for the claimant-appellant states that the amount of compensation awarded by the Tribunal is on the lower side inasmuch as the Tribunal has assessed the notional income of the deceased as ₹36,000/- per annum only and has applied a multiplier of 15. The deceased in the present case was a young boy of 11 years and was a student and had a very bright future ahead, hence, his income ought to have been assessed as per the minimum wage of a skilled worker. It is further the contention of the learned counsel that though the Tribunal has rightly applied a deduction of 50%, however, has not made any addition towards future prospects as also has applied a wrong multiplier of 15 which ought to have been 18. It is further the contention of the learned counsel that the compensation awarded under the conventional heads as well as under the head ‘loss of consortium’ is not in accordance with the law laid down by the Hon’ble Supreme Court. In support of his contentions, the learned counsel for the claimant-appellant has relied upon the judgments of the Hon’ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**, **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. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642].

6. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that the income of the deceased has rightly been assessed. It is further the contention that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

7. I have heard the learned counsel for the parties.

8. Admittedly, no appeal has been preferred by the Insurance Company. In the present case the deceased was a young boy of 11 years of age and was a student. The Tribunal has assessed the notional income of the deceased as ₹36,000/- per annum only which in the opinion of this Court is erroneous inasmuch as admittedly the deceased was a young boy of 11 years of age and was a student and had a very bright future ahead, hence, his income ought to have been assessed as per the minimum wage as applicable to a skilled worker. Hon'ble Supreme Court in the case of **Karuna Parmar vs. Prakash Sinha & Ors. [2025 (1) TAC 730 = 2025 INSC 1244]**, while relying on **Baby Sakshi Greola vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]**, 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 wages applicable for a skilled worker in the year 2014.

9. In a recent judgment the Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr. [2025 (4) ACJ (SC) 36 = 2025 INSC 1070]** 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].”

10. 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 October 2020 as the accident took place on 19.10.2020. The

minimum wage prevailing in Punjab in October 2020 was ₹9,192/- per month. Hence, the income of the deceased is assessed as ₹9,192/- per month rounded off to ₹9,200/- per month.

11. In the present case, though the Tribunal has rightly applied a deduction of 50%, however, no addition has been made towards future prospects. Hence, an addition of 40% ought to have been applied. Further, the compensation awarded under the conventional heads and under the head ‘loss of consortium’ is not 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), hence, the claimant 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. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹9,200/-
2	Annual Income	₹1,10,400/- [₹9,200 x 12]
3	Deduction - 50%	₹55,200/- [₹1,10,400 - ₹55,200]
4	Future Prospects - 40%	₹77,280/- [₹55,200 + ₹22,080]
5	Multiplier - 18	₹13,91,040/- [₹77,280 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial [₹48,000/- x 1]	₹48,000/-
	Total Compensation	₹14,75,040/-

12. 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. However,

the claimant-appellant shall not be entitled to any interest for the period of delay in filing the appeal.

13. 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 of the claimant within six weeks from today. The particulars of the bank account alongwith the requisite documents in support thereof shall be furnished by the claimant 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.

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

25.02.2026
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

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