



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

111**FAO-6291-2025****Date of decision:06.05.2026**

SAISTA AND ANOTHER

...APPELLANTS

VERSUS

PRITAM SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Kunal Phogat, Advocate
for appellants.

Mr. Vishwajit Bedi, Advocate
for respondent No.3-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Notice of motion to respondent No.3-Insurance Company only
qua grant of compensation on account of consortium, funeral expenses and
for loss of estate.

2. Mr. Vishwajit Bedi, Advocate appears and accepts notice on
behalf of respondent No.3-Insurance Company.

3. Present appeal has been preferred by appellants-claimants being
aggrieved by award dated 11.08.22025 passed by Motor Accident Clailms
Tribunal, Nuh (hereinafter referred to as '**Tribunal**') vide which the
appellants-claimants were found entitled to total compensation of
Rs.17,61,600/- on account of death of Mohd. Farhan (hereinafter referred to
as '**deceased**') caused due to rash and negligent driving of respondent No.1
while driving vehicle bearing registration No.HR-28J-7853 (hereinafter
referred to as '**offending vehicle**').

4. In the present appeal, appellants-claimants are mainly
challenging the income of deceased taken by learned Tribunal as well as

award of compensation granted under the conventional heads, funeral expenses, loss of estate and loss of consortium.

5. Learned Tribunal had awarded following compensation to appellants-claimants:-

Income	Rs.10924/-
40% future prospects	Rs.4369/-
Total income	Rs.15,293/-
50% deduction as deceased was bachelor	Rs.7646/-
After deduction, income	Rs.7646/-
Annual income of deceased	Rs.7646 X 12 = 91,752/-
Compensation after applying multiplier of 18.	Rs.91,752 X 18 = 16,51,536/-
Loss of estate	Rs.15,000/-
Funeral expenses	Rs.15,000/-
Loss of consortium	Rs.40,000 X 2 = 80,000/-
Total compensation	Rs.17,61,536/-

6. Since issue of negligence has not been raised in present appeal, the detailed facts as regards to manner of accident are not being noted herein for the sake of brevity.

7. Learned counsel for appellants-claimants asserted that the deceased was a minor, aged 17 years at the time of accident on 05.01.2024. It is asserted that the learned Tribunal has taken income of deceased to Rs.10,924/- equivalent to minimum wages payable to unskilled worker in the year 2024. Learned counsel for appellants-claimants argued that learned Tribunal ought to have taken income of deceased as skilled worker. However, I do not find any merit in the claim made on behalf of appellants-

claimants. Deceased was minor and claimed to have been working as a mechanic, however, except for oral assertions in this regard no material has been placed on record to show that deceased ever worked as a mechanic or having knowledge about machines. No evidence showing vocational training has been adduced.

8. Keeping in view the fact that deceased was a minor, aged 17 years at the time of accident, he can only be considered as an unskilled worker as he had not acquired any skills to qualify in the category of skilled worker. Accordingly, I do not find any error in the approach of learned Tribunal in taking income of deceased as per minimum wages payable to an unskilled worker prevalent at the time of accident i.e. Rs.10,924/- The learned Tribunal has rightly applied 40% towards future prospects, deducted 50% towards personal expenses and has also granted multiplier of '18' to calculate loss of dependency as Rs.16,51,536/-. No exception to the amount so determined by the learned Tribunal can be made, therefore, same is upheld. However, I find merit in the contention raised on behalf of appellants-claimants that award of Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses, Rs.40,000/- each to appellants-claimants towards loss of filial consortium is not as per judgment of **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680 and **Magma General Insurance Co. Ltd. Vs. Nanu Ram alias Chuhru Ram & Ors.**, 2018(4) RCR(Civil) 333. Accordingly, appellants-claimants shall be entitled to compensation of Rs.18,000/- each for loss of estate and for funeral expenses and Rs.48,400/- each for loss of filial consortium.

7. Accordingly, reworked compensation payable to appellants-claimants is as under:-

Income	Rs.10,924/- per month (as per minimum wages)	Rs.10,924/-
Future Prospects	40% (10924+4370)	Rs.15,293/-
Deduction	50% (15293-7646)	Rs.7,647/-
Multiplier	18	18
Total loss of dependency	Rs.7,647 X 18 X 12	Rs.16,51,536/-
Loss of Estate	Rs.15,000/- (as awarded by Tribunal)	Rs.18,000/-
Funeral Expenses	Rs.15,000/- (as awarded by Tribunal)	Rs.18,000/-
Loss of filial consortium	Rs.48,400 X 2	Rs.96,800/-
Total Compensation awarded by the Tribunal	Rs.17,61,536/-	
Total Compensation awarded in appeal		Rs.17,84,336/-
Enhancement of compensation	Rs.17,84,552/- (awarded in appeal) - Rs.17,61,536/- (awarded by Tribunal)	Rs.22,800/-

8. Appellants-claimants shall also be entitled to interest over enhanced amount to the extent of 7.5% from the date of filing of claim petition till its realization. The apportionment and liability of respondents to pay compensation shall be as per award.

9. Present appeal is disposed of in above terms.

10. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

06.05.2026
Sunil Chander

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