



\$~20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 510/2024**

ORIENTAL INSURANCE CO LTD

.....Appellant

Through: Mr. Kanwar Kocchar, Advocate.

versus

VINAY JAIN & ORS.

.....Respondents

Through: Mr. Rajat Wadhwa, Mr. Honey Jain,
Mr. Ashish Batra, Mr. Abheer
Shawdilya, Ms. Anshika Juneja, Mr.
Devansh Khatter, Advocates for
Respondent no.1.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

%

19.05.2026

1. This appeal has been filed by the Insurance Company assailing impugned judgment dated 9th July 2024 passed by the Motor Accident Claims Tribunal, Saket Courts, New Delhi (***MACT/Tribunal***) in MACT No. 371/2022, which awarded compensation of Rs.17,95,672/- along with interest of 9% per annum, in respect of an accident which occurred on 26th January 2022 when Baby Aradhya Jain (*deceased*) along with her father/respondent no.1 and other persons was returning home by car and was hit by a truck bearing registration no.UP-15AT-0876 (hereinafter, ***offending vehicle***) being driven in a rash and negligent manner, near Big Bite Hotel at NH-58, Meerut.



2. In this appeal, the issue canvassed by the Insurance Company relates to the adoption of multiplier of '18' and minimum wages of a skilled worker while calculating compensation in relation to the death of a minor child, aged 3 years.

3. This issue has now been decided by this court in ***Rubi Devi and Anr. v. The New India Assurance Co. Ltd. And Ors.*** 2026:DHC:3674, where after assessing judgments of the Supreme Court and High Court, this Court held that minimum wages of a skilled worker and multiplier of 18 will be considered in relation to death of a minor child below 15 years of age. Relevant findings of the Court are extracted as under:

“On notional income of a minor

10. As regards determination of benchmark income, this Court in Sanju (supra), after examining the decision in Kajal (supra) and the subsequent judgments that followed and relied upon it, concluded that the notional income in cases concerning fatal accidents of minor children cannot be treated as a fixed or static figure. Instead, the appropriate way to assess the income is on the basis of the minimum wages payable to a skilled worker in the concerned State. The relevant observations of the Court are reproduced below:

“10. The first of these cases was Kajal v. Jagdish Chand, which was a case of injury inflicted upon a child of 12 years of age. The Court computed loss of future income on the basis of minimum wages of a skilled worker, reasoning as follows:

“20. Both the courts below have held that since the girl was a young child of 12 years only notional income of Rs 15,000 p.a. can be taken into consideration. We do not think this is a proper way of assessing the future loss of income.



This young girl after studying could have worked and would have earned much more than Rs 15,000 p.a. Each case has to be decided on its own evidence but taking notional income to be Rs 15,000 p.a. is not at all justified. The appellant has placed before us material to show that the minimum wages payable to a skilled workman is Rs 4846 per month. In our opinion, this would be the minimum amount which she would have earned on becoming a major. Adding 40% for the future prospects, it works to be Rs 6784.40 per month i.e. 81,412.80 p.a. Applying the multiplier of 18, it works out to Rs 14,65,430.40, which is rounded off to Rs 14,66,000.”

11. The judgment in Kajal was followed in Master Ayush v. Branch Manager, Reliance General Insurance Co. Ltd., Minor Roopa v. The Divisional Manager, New India Assurance Company Ltd., and Baby Sakshi Greola v. Manzoor Ahmad Simon, which were all also cases where minor victims had suffered debilitating injuries.

12. This line of judgments has recently been reiterated in Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari, which was once again an injury case. The Supreme Court held therein as follows:

“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 v. Jagdish Chand and Ors., and Baby Sakshi Greola v. Manzoor Ahmad Simon and Anr

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."

On applicable multiplier for a minor

11. As regards the issue of multiplier, this Court in Sanju (supra) assessed a line of judgments including Kajal (supra), Master Ayush (supra) Baby Sakshi Greola v. Manzoor Ahmad Simon 2024 SCC OnLine SC 3692, and Karuna Parmar v. Prakash Sinha 2025 INSC 1244, which were referred and assessed in detail.

12. Further, reliance was placed in Sanju (supra) upon decisions by this Court in National Insurance Co. Ltd. v. Pooja 2025 SCC OnLine Del 1044, Rakesh Sharma v. Ashok 2025 SCC OnLine Del 1364 and Chalamandalam MS General Insurance Co. Ltd. v. Bhupan Paswan 2025 SCC OnLine Del 1045, wherein a multiplier of 18 was adopted after considering the decisions of the Supreme Court.



13. *Relevant observations made by this Court in Sanju (supra) are extracted as under:*

“26. In my view, the argument, at least before this Court, is foreclosed by the judgments in Pooja, Rakesh Sharma, and Bhupan Paswan, where the multiplier 18 has been adopted after considering the judgments in Sarla Verma, Kajal, Master Ayush, and Sakshi Greola. The discussion on this aspect in Bhupan Paswan reads as follows:

“31. The learned Tribunal has computed the compensation by applying a multiplier of 15, by considering the age of the deceased.

32. The calculation of Multiplier has been laid down in the case of Sarla Varma (Supra) as under:-

“21. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.”

33. Evidently, the Judgment is silent on the multiplier to be used for the victims under 15 years of age. This incongruity in the matter of selection of multiplier in the case of persons in the age group up to 15 years was noted in by the Apex



the case of Divya vs. National Insurance Company Ltd., Civil Appeal No. 7605/2022.

In the most recent judgment of the Supreme Court in Baby Sakshi Greola vs. Manzoor Ahmad Simon &Anr., SLP (C) No. 10996/2018, while referring to the judgments of Kajal (supra) and Master Ayush (supra), the Apex Court has applied the multiplier of 18 for a minor.

Thus, in light of the above judgments, this Court deems it appropriate to ascertain the Multiplier as '18' to calculate the loss of dependency is calculated accordingly."

As noted above, the Supreme Court declined special leave to appeal against this judgment.

27. Having regard to the binding judgment of the Coordinate Bench, which considers Sarla Verma, I am of the view that the applicable multiplier in such cases would be 18."

14. Taking a similar view, this Court in Tata AIG General Insurance Company v Mukesh Kumar and Ors. 2026:DHC:756, while dealing with an appeal filed by the Insurance Company on the ground that the Tribunal while assessing loss of dependency in case of death of a minor child had erred by taking the multiplier of 18, instead of 15, and that income of the deceased should either be determined on the basis of notional income or that of an unskilled worker, dismissed the said appeal and held as under:

"22.6 Analysing all these decisions, this Court in Sanju (supra) held the view, as extracted above in paragraph 14, that the applicable multiplier would be 18 and that minimum wages of a skilled worker of the concerned State would be applicable.

23. In view of the above discussion, contention of appellant cannot be accepted."



(emphasis added)

15. Reliance placed by the counsel for the Insurance Company on Thangavel and Ors. (*supra*) is misplaced, as the Supreme Court has categorically opined in paragraph 6 that the multiplier of 15 was adopted considering the age of the mother of the deceased minor was who 36 years at the time of the accident. The relevant paragraph is extracted as under:

“6. We are of the opinion that the monthly income of Rs.5,000/- as adopted for the child by the Tribunal is perfectly in order. There is no question of any deduction for personal expenses and hence even if the multiplier adopted is 15, considering the mother’s age of 36, the total compensation for loss of dependency would be Rs.7,50,000/-, Rs.30,000 more than that awarded by the Tribunal.....”

(emphasis added)

16. The Supreme Court in the case of Reshma Kumari v. Madan Mohan (2013) 9 SCC 65, held that the multiplier is to be used with reference to the age of the deceased. The Constitution Bench in National Insurance Company Ltd. vs. Pranay Sethi & Ors. (2017) 16 SCC 680 affirmed the view taken in Smt. Sarla Verma & Ors v. Delhi Transport Corporation & Anr. (2009) 5 SCC 121 and Reshma Kumari (*supra*), and recorded in the conclusions as under:

“59.7. The age of the deceased should be the basis for applying the multiplier.”

17. Therefore, multiplier of 15 adopted in Thangavel and Ors. (*supra*) is as per age of mother of the deceased and not that of the deceased.

18. As regards the argument raised by Mr. Paul, counsel for Insurance Company, that different multipliers ought to be applied in cases of death and injury, relying upon the judgment of Supreme Court in Devendra Kumar Tripathi



(supra), this Court notes that post Kajal (supra), the Supreme Court has taken a consistent view regarding the multiplier to be applied in cases involving persons below 15 years of age.

19. Furthermore, this Court has consistently taken the view in multiple case including Jamaluddin (supra), Reena Raghav (supra), Pooja (supra), Sanju (supra), and Mukesh (supra), that a multiplier of 18 ought to be applied in cases involving the death of a child below 15 years of age.”

*...
32. Therefore, in light of the above decisions, the minimum wages of a skilled worker in Uttar Pradesh ought to be taken as benchmark income, as the deceased was resident of Ghaziabad, Uttar Pradesh. At the time of accident minimum wages of a skilled worker in Uttar Pradesh were Rs. 7,085/- per month; the same shall have to be accounted for. Multiplier of 18, instead of 10, shall be considered.*

(emphasis added)

4. Therefore, this Court does not find any infirmity in the impugned award and the submissions made by counsel for appellant/Insurance Company are rejected.

5. The appeal is accordingly, dismissed. Pending applications are rendered infructuous.

6. By order dated 24th September 2024, this Court had directed deposit of entire compensation amount, along with accrued interest, before the Registrar General of this Court, subject to which, stay on the operation of the impugned award was granted and the deposited amount was kept in an interest-bearing FDR. On 18th December 2024, the Court directed release of 50% of the deposited amount in favour of claimant in terms of the impugned award.



7. Accordingly, balance 50% compensation along with accrued interest will also be released to the claimant in accordance with the directions of the MACT in the impugned award.
8. Statutory deposit be refunded to appellant/Insurance Company, only if the order of deposit has been complied with.
9. Judgment be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 19, 2026/ak/sp