

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****234****FAO-2776-2015(O&M)
Date of decision: 22.09.2025****Sh. Surender Singh & Another****...Appellant(s)****Vs.****Harish Kumar & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Vikas P. Singh, Advocate
for the appellants.****Ms. Manvi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate
for respondent No.3.***********NIDHI GUPTA, J.**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.5,80,000/- awarded by the Motor Accident Claims Tribunal, Bhiwani (hereinafter 'the learned Tribunal') vide Award dated 18.10.2014 passed in MACT Petition No.5 dated 06.01.2014 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 2 claimants are the 37-year-old father and 33-year-old mother of deceased Vikas, who was stated to be 14 years old at the time of accident.



2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Vikas had died due to the injuries suffered by him in a motor vehicular accident that took place on 03.12.2013 at about 8 am due to the rash and negligent driving of car bearing registration No.HR-12E-5900 (hereinafter “the offending vehicle”) by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3. The aforesaid compensation has been awarded along with interest @ 6% p.a.; and the respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.30,000/- per annum. It is submitted that the deceased was 14-year-old student of Class-9 at the time of accident. He had a bright future ahead of him. Moreover, the deceased was also doing tuition work and earning himself Rs.10,000/- per month. Thus, income of the deceased has been taken on the lower side. It is further submitted that multiplier of 18 ought to have been applied; whereas the learned Tribunal has applied multiplier of 16, as per age of the parents. Rate of interest is also on the lower side; and meagre amount has been awarded towards loss of love and affection and funeral expenses, etc. It is simultaneously submitted that Income of the deceased should have been taken as Rs.5,602/- per month



as admissible to a skilled labourer, as per the relevant Notification. Learned counsel accordingly prays for enhancement of compensation.

4. Ld. counsel for respondent No.3-Insurance Company opposes submissions of the appellants and submits that the impugned Award suffers from no error and therefore, the present appeal, be dismissed. It is submitted that multiplier has already been applied on the higher side as deceased was 14 years old and therefore, multiplier of 15 ought to have been applied.

5. No other argument is made on behalf of the parties.

6. I have heard learned counsel and perused the case file in detail.

7. It has first been submitted on behalf of the appellants that income of the deceased has been taken on the lower side as Rs.30,000/- per annum; whereas the same ought to have been taken as Rs.5,602/- per month as Minimum Wage admissible to a skilled labourer as per Notification. However, no such Notification has been produced by the appellants. Nonetheless, keeping in view the fact that the deceased was a 14-year-old student of Class-9, in terms of judgment of this Court in **“Maimuna & Another Vs. Ibrahim & Others”** FAO-5195-2015 decided on 10.12.2019, income of the deceased is taken as Rs.50,000/- per annum.

8. It has next been contended on behalf of the appellants that multiplier of 16 has been wrongly applied and the same ought to be 18. However, I find no merit in the said submission as, as per Constitution Bench judgment of Hon’ble Supreme Court in **“National Insurance Company Ltd.**



VS. Pranay Sethi & Others” Law Finder Doc ID # 918174, for the ages between 0-15, multiplier of 15 is to be applied. Even argument of the appellants in respect of the interest of 6% is discarded as the same is at the discretion of the learned Tribunal. In view of the above, compensation payable to the appellants is re-assessed in following manner:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Notional income	Rs.30,000/- per annum	Rs.50,000/- per annum
Multiplier	16	15
Loss of dependency	Rs.48,000/-	Rs.50,000/- x 15 = Rs.7,50,000/-
Loss of consortium	Nil	Rs.48,000/- x 2 = Rs.96,000/-
Loss of estate	Nil	Rs.18,000/-
Funeral expenses	Nil	Rs.18,000/-
Funeral expenses & loss of love and affection	Rs.1,00,000/-	
Total	Rs.5,80,000/-	Rs.8,82,000/-
Interest	6% per annum	6% per annum

9. Present appeal is accordingly **partly allowed** in above terms.
10. Pending application(s) if any also stand(s) disposed of.

22.09.2025
Sunena

(Nidhi Gupta)
Judge

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