



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

**FAO-420-2020 (O&M)
Date of Decision : 03.09.2025**

GEETA DEVI AND ANR Appellants

VERSUS

SURENDER AND ORS Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Kumar Yadav, Advocate for the appellants.

Mr. Punit Jain, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as the 'Tribunal') vide award dated 13.09.2019.

2. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹6,000
2.	Annual income	[₹6,000 x 12] = ₹72,000
3.	Future prospects @40%	[₹72,000 + ₹28,800] = ₹1,00,800
4.	Deduction 50%	[₹1,00,800 - ₹50,400] = ₹50,400
5.	Multiplier of '18'	[₹50,400 x 18] = ₹9,07,200
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
	Total Compensation	₹9,37,200
	Interest	@ 7.5% per annum

4. Learned counsel for the claimant-appellants would contend that the income of the deceased, who was 22 years of age and was a student of B.Sc. 2nd year, had been assessed as ₹6,000 per month. While relying upon the judgments passed in the cases of **Karuna Parmar vs. Prakash Sinha & Ors. [2025 (1) TAC 730]** and **Kajal vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]** which was later followed in the case of **Baby Sakshi Greola vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]**, learned counsel would further contend that the income of the deceased ought to have been assessed as that of a highly skilled person keeping in view the fact that he was a student of B.Sc. 2nd year. Learned counsel further states that the claimant-appellants do not challenge the addition @ 40% made towards future prospects, deduction @ 50% and the multiplier of 18 as applied by the Tribunal. However, the amounts awarded under the conventional heads are not in consonance with the law laid down by the Hon'ble Supreme Court in the cases of **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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]** and that no amount has been awarded under the head 'loss of consortium'.

5. *Per contra*, the learned counsel for respondent No.3-Insurance Company would contend that the income of the deceased had rightly been assessed as ₹6,000 in the absence of any evidence of the income of the deceased. It is further the contention of the learned counsel that the amounts awarded do not call for any interference as sufficient amount had already been awarded by the Tribunal as compensation in the present case and that there is no scope of any enhancement.

6. Heard.

7. In the present case the deceased was a 22 years old boy who was studying in B.Sc. 2nd year. The deceased would have qualified his B.Sc. and would have been employed atleast as a highly skilled person. The Hon'ble Supreme Court in the case of **Baby Sakshi Greola** (supra), while relying upon the case of **Kajal** (supra), assessed the notional income of a 7-year-old child, who had received injuries, on the basis of minimum wages payable to a skilled worker. Still further, the Hon'ble Supreme Court recently in the case of **Karuna Parmar vs. Prakash Sinha & Ors. [2025 (1) TAC 730]**, yet again relying on **Baby Sakshi Greola** (supra), awarded the compensation in the case of a 6-year-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. The minimum wages of a highly skilled worker at the time of the

accident were ₹10,901 per month, hence the income of the deceased is assessed as ₹10,901 per month (rounded off to ₹11,000 per month). Since there is no challenge to the addition @ 40% made towards future prospects, deduction @ 50% and the multiplier of 18 as applied by the Tribunal, the same are maintained.

8. Further, the amounts awarded under the conventional heads are not in consonance with the law laid down by the Hon'ble Supreme Court and no amount has been awarded under the head 'loss of consortium'. Hence, 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), the claimant-appellants would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The claimant-appellants, being parents of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

9. Accordingly, the reworked compensation to which the claimant-appellants are entitled to is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹11,000
2.	Annual income	[₹11,000 x 12] = ₹1,32,000
3.	Deduction 50%	[₹1,32,000 - ₹66,000] = ₹66,000
4.	Future prospects @40%	[₹66,000 + ₹26,400] = ₹92,400
5.	Multiplier '18'	[₹92,400 x 18] = ₹16,63,200
6.	Loss of estate	₹18,000
7.	Funeral expenses	₹18,000
8.	Loss of Consortium : (i) Filial	₹96,000 [₹48,000 x 2]
	Total Compensation	₹17,95,200

10. 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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

11. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank account(s) of the claimant-appellants within a period of six weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent No.3-Insurance company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

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

03.09.2025
Aman Jain

(ALKA SARIN)
JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*