



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. FAO-8586-2017 (O&M)
Reserved on: 09.01.2025
Date of decision: 15.05.2025

SUKHWINDER SINGH & ORS ..Appellants

Versus

PARSHOTAM LAL & ORS ..Respondents

2. FAO-8599-2017 (O&M)

SUKHWINDER SINGH ..Appellant

Versus

PARSHOTAM LAL & ORS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek Suri, Advocate
Mr. Dushyant Godara, Advocate
Mr. Darpan Singh, Advocate
for the appellants (in both appeals).

Mr. Vinod Chaudhari, Advocate
for respondent No.3-Insurance Company.

ANIL KSHETARPAL, J(Oral)

I. Brief facts of the case:-

1. With the consent of learned counsel for the parties, two connected appeals filed by the claimants seeking modification of the award passed by the Motor Accident Claims Tribunal (in short 'Tribunal') shall stand disposed of by common order.

2. These two appeals have been filed on account of death of Smt. Manjit Kaur aged 35 years and Vishal Singh, aged 9 years on 07.11.2015, in a motor vehicular accident. There is no dispute with regard to the accident



and the finding of the Tribunal that the accident was caused due to rash and negligent driving of respondent No.1.

3. FAO-8586-2017, has been filed with respect to death of Smt. Manjit Kaur by her husband and two minor children (a son and daughter), whereas, FAO-8599-2017, has been filed with respect of death of Vishal Singh by his father.

4. The only issue before the Court is with respect to compensation in both the appeals. In FAO-8586-2017, the Tribunal has taken Rs.4,000/- per month as the contribution of deceased towards her family. After applying multiplier of 16, the amount has been worked at Rs.7,68,000/-. The husband has been held entitled to Rs.1,00,000/- towards loss of consortium and amount of Rs.25,000/- has been awarded towards funeral expenses.

5. With respect to death of Vishal Singh aged 9 years in FAO-8599-2017, a lump sum compensation of Rs.4,25,000/- has been awarded, which includes Rs.25,000/- towards funeral expenses.

II. Arguments addressed:-

6. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

7. In FAO-8586-2017, the learned counsel for the appellant submits that the contribution of the deceased towards her family should have been assessed on the basis of minimum wages and the Court erred in assessing her contribution at Rs.4,000/- per month. He submits that the Court has also failed to grant increase in income in future on account of future prospects. He further submits that each of the claimants shall be entitled to Rs.40,000/- as parental and spousal consortium, which is liable to be



increased as laid down in the judgment passed by the Five Judge Bench in *National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC Online SC 1270*. He further submits that no amount has been awarded towards the loss of estate.

8. On account of death of Vishal Singh in FAO-8599-2017, the learned counsel submits that the compensation should have been determined on applying a multiplier rather than lump sum award.

9. Per contra, the learned counsel for the respondent submits that the accident took place in the year 2015 and contribution of late Smt. Manjit Kaur has correctly been assessed. He further submits that in the case of death of minor i.e. Vishal Singh, aged 9 years, in absence of evidence, the Court has correctly awarded the lump sum amount.

III. Analysis and Discussion:-

10. The accident took place on 07.11.2015. At the time of the accident, she was travelling with her husband and minor children Sh. Vishal Singh (deceased) on a motorcycle. Thus, it is safe to assume that late Smt. Manjit Kaur belongs to a middle class family. She was a home maker taking care of her three children besides her husband. The notional income assessed by the Tribunal is on the lower side and the same is revised to Rs.6,936/- per month, the minimum wages of an unskilled worker.

11. The husband and two children will be entitled to Rs.40,000/- each towards loss of consortium and Rs.15,000/- each for funeral and loss of estate.

12. The second claim petition i.e. FAO-8599-2017 is with respect to death of Sh. Vishal Singh, aged 9 years. Lump sum compensation of



Rs.4,25,000/- has been awarded, which includes Rs.25,000/- for funeral expenses.

13. For loss of consortium, the father and two sisters will be entitled to Rs.40,000/- each, whereas, for loss of estate and funeral expenses, the claimants shall be entitled to Rs.15,000/- each.

14. The assessment of compensation for the death of minor has been posing challenge to the Courts. Recently, in *Meena Devi Vs. Nanu Chand @ Nem Chand and others, 2022 AIR (SC) 5006*, it was held that the notional income of the child was Rs.15,000/- per annum as specified in the IInd Schedule of Motor Vehicles Act, which was notified in the year 1994. After taking into consideration the fact that the value of Rupee has gone down drastically since 1994, the notional income was assessed at Rs.25,000/- with respect to the death, which took place in the year 2004. In the present case, the accident took place in the year 2015, thus, the notional income is assessed at the rate of Rs.35,000/- per annum.

15. The Court applied multiplier of 15 in the case of death of 12 years old child, the same is applied, which comes to Rs.35,000/- X 15 = Rs.5,25,000/-.

IV. Decision:-

16. Thus, the appeals are allowed and the amount of compensation is revised as under:-

For <u>FAO-8586-2017</u>		
Heads of claim	Amount assessed by the Tribunal	Amount assessed by the High Court
Notional income	Rs.4,000/- X 12= Rs.48,000/- p.a.	Rs.6,936 X 12= Rs.83,232/-
Multiplier	(16)	(15)



	Rs.48,000/- X 16= Rs.7,68,000/-	Rs.83,232 X 15= Rs.12,48,480/-
Loss of consortium	Rs.1,00,000/-	Rs.40,000/- X 3= Rs.1,20,000/-
Loss of estate	-	Rs.15,000/-
Funeral expenses	Rs.25,000/-	Rs.15,000/-
Total	Rs.8,93,000/-	Rs.13,98,480/-
Difference	Rs.13,98,480 – Rs.8,93,000= Rs.5,05,480/-	

For <u>FAO-8599-2017</u>		
Heads of claim	Amount assessed by the Tribunal	Amount assessed by the High Court
Notional income	–	Rs.35,000/-
Multiplier	–	(15) Rs.35,000 X 15= Rs.5,25,000/-
Loss of consortium	–	–
Loss of estate	–	–
Funeral expenses	Rs.25,000/-	–
Total	Rs.4,25,000/-	Rs.5,25,000/-
Difference	Rs.5,25,000 – Rs.4,25,000= Rs.1,00,000/-	

17. All the pending miscellaneous applications, if any, are also disposed of.

May 15th, 2025

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(ANIL KSHETARPAL)
JUDGE

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