



114

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

**FAO-3321-2024 (O&M)
Date of Decision : 19.09.2025**

SANDEEP KAUR AND ANR Appellants

VERSUS

JATINDER SINGH AND ORS Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Munish Garg, Advocate for the appellants.

Mr. Nigam K. Bhardwaj, Advocate for respondent No.4.

ALKA SARIN, J. (ORAL)

CM-11904-CII-2024

1. This is an application for condonation of delay of 21 days in filing the appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 21 days in filing the appeal is condoned.

CM-11903-CII-2024

3. This is an application for condonation of delay of 268 days in refiling the appeal.

4. For the reasons stated in the application, the same is allowed and the delay of 268 days in refiling the appeal is condoned.

FAO-3321-2024

5. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident

Claims Tribunal, Barnala (hereinafter referred to as the 'Tribunal') vide award dated 25.04.2023.

6. 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.

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

| Sr. No. | Heads | Compensation Awarded |
|---------|---------------------------|-----------------------------|
| 1. | Notional income | ₹60,000 per annum |
| 2. | Multiplier 18 | [₹60,000 x 18] = ₹10,80,000 |
| 3. | Love and affection | ₹1,00,000 |
| 4. | Funeral expenses | ₹19,500 |
| 5. | Loss of consortium | [₹52,000 x 2] = ₹1,04,000 |
| 6. | Total Compensation | ₹13,03,500 |
| | Interest | @ 7% per annum |

8. Learned counsel for the claimant-appellants would contend that the deceased was 17 years of age on the date of the accident i.e. 05.06.2022. The Tribunal instead of applying the wages as applicable to a skilled worker, as per the law laid down in the cases of **Kajal vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]**, **Baby Sakshi Greola vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]** and **Karuna Parmar vs. Prakash Sinha & Ors. [2025 (1) TAC 730]**, has assessed the notional income of the deceased. It is further the contention of the learned counsel that no amount has been awarded towards the future prospects and further that the amounts awarded under the conventional heads i.e. funeral expenses and loss of estate and under the head loss of consortium are not in accordance 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].

9. *Per contra*, the learned counsel for respondent No.4 has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement. It is further the contention of the learned counsel that the amounts awarded under the conventional heads i.e. funeral expenses and loss of estate and under the head loss of consortium are not in accordance with 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). Learned counsel has further contended that no deduction is made towards personal expenses which ought to have been 50%.

10. Heard.

11. In the present case, the Tribunal has assessed the notional income of the deceased. The argument of the learned counsel for the claimant-appellants that the income of the deceased ought to have been assessed as that of a skilled worker deserves to be accepted. 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**

(supra), 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 skilled worker at the time of the accident i.e. 05.06.2022 were ₹11,430 per month. Hence, the income of the deceased is assessed as ₹11,430 per month. Keeping in view the fact that the deceased was a minor, 17 years old, deduction of 50% would have to be applied and addition @ 40% would have to be made towards future prospects. Since there is no challenge to the multiplier as applied by the Tribunal, the same is upheld.

12. Further, the amounts awarded under the conventional heads and under the head loss of consortium are not in consonance with the law laid down by the Hon'ble Supreme Court as fairly conceded by the learned counsel for the claimant-appellants. 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 the parents of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) under the head filial consortium.

13. Accordingly, the reworked compensation to which the appellant is entitled is as under :

| Sr. No. | Heads | Compensation Awarded |
|---------|----------------------------------|---------------------------------|
| 1. | Monthly income | ₹11,430 |
| 2. | Annual income | [₹11,430 x 12] = ₹1,37,160 |
| 3. | Deduction 50% | [₹1,37,160 - ₹68,580] = ₹68,580 |
| 4. | Future prospects @ 40% | [₹68,580 + ₹27,432] = ₹96,012 |
| 5. | Multiplier of 18 | [₹96,012 x 18] = ₹17,28,216 |
| 6. | Funeral expenses | ₹18,000 |
| 7. | Loss of estate | ₹18,000 |
| 8. | Loss of consortium (i) Filial | [₹48,000 x 2] = ₹96,000 |
| | Total Compensation | ₹18,60,216 |

14. 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.

15. 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.4-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.4-Insurance company within a period of two weeks from today and needful shall be done by respondent No.4-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.

16. 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.

19.09.2025
Aman Jain

(ALKA SARIN)
JUDGE

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