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

**FAO-1675-2023 (O&M)**

**Date of Decision : 25.02.2025**

Parmilla @ Pramila & Anr

... Appellant(s)

Versus

Sandeep & Ors

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Prashant Singh Chauhan, 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, Rewari (hereinafter referred to as 'Tribunal') vide the impugned award dated 12.12.2022, in a motor vehicle accident which occurred on 22.09.2019.

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced 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	₹9,000/-
2	Future prospects @ 40%	₹3,600/-
3	Total Income	₹12,600/-
4	Deduction 50%	₹6,300/-

5	Multiplier of 18	[₹6,300 x 18 x 12] = ₹13,60,800/-
6	Funeral expenses	₹16,500/-
7	Loss of estate	₹16,500/-
8	Loss of consortium	₹44,000/-
	<b>Total</b>	<b>₹14,37,800/-</b>
	Interest	9%

4. Learned counsel for the claimant-appellants has not laid any challenge to the future prospects @ 40%, deduction @ 50% as well as multiplier '18' as applied by the Tribunal. However, he has contended that the Tribunal has erred in assessing the notional income of the deceased as only ₹9,000/- per month inasmuch as the deceased in the present case was a young boy of 16 years who was studying in 9<sup>th</sup> Class and had a very bright future ahead. The learned counsel for the claimant-appellants would further contend that the amounts awarded under the conventional heads as well as under the head loss of consortium are not in accordance with the law laid down by the Hon'ble Supreme Court. In support of his contentions, he has relied upon the judgments of 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]**.

5. Learned counsel for respondent No.3-Insurance Company has contended that the income of the deceased as assessed by the Tribunal is on the higher side. He has further submitted that in any case there is no scope of any enhancement.

6. I have heard the learned counsel for the parties.

7. In the present case, the deceased was a minor child of 16 years of age and was studying in Class 9 at the time of the accident. The Tribunal has assessed the income of the deceased at ₹9,000/- per month. Hon'ble Supreme Court in the case of **Kajal Vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]** while assessing the income of a minor aged 12 who had suffered 100% disability had assessed the income of the child as per the minimum wages payable to a skilled worker as prevailing at the time of the accident. Their Lordships in para 20 of the said judgment had held as under:

*“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/- per annum 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/- per annum. Each case has to be decided on its own evidence but taking notional income to be Rs.15,000/- per annum 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 per annum. Applying the multiplier of 18 it works out to Rs.14,65,430.40, which is rounded off to Rs.14,66,000/-.”*

Their Lordships had applied 40% towards future prospects and a multiplier of 18.

8. Similarly in the case of **Baby Sakshi Greola Vs. Manzoor Ahmad Simon & Anr. [2025 (1) RCR (Civil) 238]** where the incident related to a 7 years' old child who met with an accident in the year 2009, the Court had once again assessed the income of the minor child who had suffered injuries as per the minimum wages applicable to a skilled worker. In para 29 of the said judgment it was held as under :

*“29. This Court in the case of Kajal (supra) has held that taking notional income is not the correct approach. Instead, the minimum wages payable to a skilled workman in the concerned State has to be taken into consideration because, that would be the minimum amount which she would have earned on becoming a major. In this case, the minimum wage payable to a skilled workman in the State of Delhi at the time of the accident, i.e., 2nd June 2009, was Rs.4,358/- per month.”*

Their Lordships had in the said case also as in the case of **Kajal** (supra) added 40% towards future prospects and applied a multiplier of 18. Taking a cue from the two afore-referred judgments, the child who was 16 years of age in the present case and was Class 9<sup>th</sup> student, this Court deems it appropriate to assess the income as per the minimum wages for a skilled worker as applicable in September 2019 as the accident took place on 22.09.2019. The minimum wages prevailing in Haryana in September 2019 were ₹12,360/- per month.

8. Since the no challenge has been laid to the deduction @ 50%, multiplier '18' as well as future prospects @ 40% as awarded by the Tribunal, the same are maintained. Further, the amounts awarded under the

conventional heads as well as under the head loss of consortium are also not in accordance with the law laid down by the Hon'ble Supreme Court and 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 claimants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimants (parents and two sisters of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Notional income	₹12,360/- per month
2.	Annual income	[₹12,360/- x 12] = ₹1,48,320/-
3.	Deduction 50%	[₹1,48,320 – 74,160] = ₹74,160/-
4.	Future prospects @ 40%	[₹74,160 + ₹29,664] = ₹1,03,824/-
5.	Multiplier 18	[₹1,03,824 x 18] = ₹18,68,832/-
6.	Loss of estate	₹18,000/-
7.	Funeral expenses	₹18,000/-
8.	Loss of Consortium : (i) Filial	[₹48000 x 4] = ₹1,92,000/-
	<b>Total Compensation</b>	<b>₹20,96,832/-</b>

9. 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 claimants as directed by the Tribunal.

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

25.02.2025  
Yogesh Sharma

**( ALKA SARIN )**  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO