



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

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**FAO-1298-2005 (O&M)
Reserved on :02.07.2026
Pronounced on : 10.07.2026**

MITHU KHAN @ MITHU SINGH AND ANOTHER ...APPELLANTS
VERSUS
NARESH KUMAR AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rishabh Gupta, Advocate
 for appellants.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants being parents of deceased minor Kala Khan (hereinafter referred to as the '**deceased**'), who died in motor vehicular dated 04.02.2004, on account of rash and negligent driving of respondent no. 1 while driving car bearing registration No. PB-40-4627.

2. Being aggrieved by the impugned award dated 16.12.2004, passed by the Motor Accident Claims Tribunal, Bhatinda (hereinafter referred to as '**Tribunal**'), vide which the appellants-claimants were found entitled to total compensation of Rs.1,20,000/-, the appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with their entitlement and is insufficient compensation.

3. Since in present appeal the only issue raised by appellants-claimants is as regards to quantum of compensation, the detailed facts as regards to manner of accident are not being noticed for the sake of brevity

4. The Tribunal in the present case had awarded a lumpsum



compensation of Rs.1,20,000/- out of which Rs.57,500/- was deducted on the ground that the appellants-claimants had already received an amount of Rs.57,500/- from the respondents.

5. Learned Counsel for appellants-claimants have sought enhancement in compensation on the following grounds:

- Income of the deceased was not assessed for considering loss of dependency. That deceased was 13 years old at the time of accident.
- Future prospects were not added while determining loss of dependency. Future prospects to the extent of 40% of monthly income needs to be added as the deceased was 13 years old at the time of accident.
- No multiplier was applied by the learned Tribunal. In view of age of deceased the multiplier of '15' ought to have been granted.
- Appropriate compensation amount needs to be granted under the head loss of consortium, funeral expenses, loss of estate in accordance with law laid down by the Hon'ble Supreme Court.

6. Learned counsel for the appellants-claimants has stated that the deceased was earning Rs.25,000/- as he used to take goats for grazing. Admittedly, in order to prove income of deceased, appellants-claimants have only relied upon oral assertions. No corroborative material was placed to show that deceased was earning and was taking goats for grazing. Therefore,



learned Tribunal has assessed and granted consolidated compensation of Rs.1,20,000/- without assessing notional income of deceased.

7. In **Devendra Kumar Tripathi & Ors. Vs. The Oriental Insurance Company Ltd. & Anr.**, 2026 (1) DNJ 12, wherein deceased was child, Hon'ble Supreme Court had held as under :-

“7. Be that as it may, we are of the opinion that the monthly notional income can be adopted as per the Minimum Wages Act, 1948, which both learned Counsel agree, for a Class B city is at Rs. 5400/- per month. A 40% increase has to be adopted for future prospects and the multiplier is 15 as held in Reshma Kumari (supra) and one-half deduction for personal expenses. The provision of Rs. 50,000/- as medical expenses is retained. The claimants are further entitled to loss of estate and funeral expenses at the rate of Rs. 15,000/- each and loss of filial consortium at the rate of Rs. 40,000/each.”

8. Therefore, in a case of minor child notional income needs to be determined as per minimum wages and for determining loss of dependency 40% future prospects needs to be added.

9. Hon'ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2017 (16) SCC 680 had prescribed multiplier of '18' for age group of 15 to 20 years and 21 to 25 years. In **Birbal & Anr. Vs. Bhalla & Ors.**, FAO No.3408 of 2004 decided on 03.02.2026, by this Court the multiplier method for children of different age group was adopted by this Court. It was held as under :-

“Hon'ble Supreme Court in Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr., 2017 (16) SCC 680 had prescribed multiplier of '18' for age group of 15 to 20 years and 21



*to 25 years. It was further prescribed that multiplier on the basis of age groups needs to be applied to ensure uniformity. Multiplier of '5' was recommended for 65 to 70 years. Taking clue from multiplier based system upon reduced dependency with age similar method needs to be adopted in a case of child, who would remain dependent on his parents for number of years before he attains adulthood, to achieve uniformity in payment of compensation. Therefore, children/adult from 15 to 20 years are entitled to award of 18 as multiplier. Multiplier of '15' for the children falling in the age group of 11 to 14 would be appropriate as applied by Hon'ble Supreme Court in **Devendra Kumar Tripathi & Ors. Vs. The Oriental Insurance Company Ltd. & Anr.**, (supra). It would be appropriate if the multiplier of '12' is awarded in a case of child aged between 06 to 10 years and multiplier of 10 would be appropriate in case of child between 03 to 05 and multiplier of '9' would be appropriate in case of child in the age group of 0 to 03 years. The above noted multiplier would offset period of dependency of deceased on his/her parents. In present case, since deceased was 13 years old, multiplier of '15' would be appropriate for the purposes of determining loss of dependency."*

10. In present case, since deceased was 13 years old, multiplier of '15' would be appropriate for the purposes of determining loss of earning capacity. Accordingly, multiplier of '15' is taken for calculating loss of dependency. Since, deceased was a minor at the time of accident and no proof of vocation and income was placed, his notional income is taken as Rs.2,260/- per month, minimum wages payable in the year 2003 when accident had occurred.

11. Deduction of 50% is required to be made towards personal expenses of deceased as he was 13 years old, survived by parents and was



unmarried. Further compensation has to be granted under the head funeral expenses, loss of estate and loss of consortium. Therefore, appellants-claimants would be entitled to Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses. Appellants-claimants would also be entitled to Rs.40,000/- each towards filial consortium. It is however made clear that in case Hon'ble Supreme Court answer the reference regarding quantum of compensation under conventional head made in **Hasina Yasmin & Ors. Vs. National Insurance Co. Ltd.**, 2025 SCC Online SC 2919 in favour of appellants, appellants shall be free to seek said amount by moving appropriate application in this regard.

12. Accordingly, the reworked compensation payable to appellants-claimants is as under:-

Income of deceased	Rs.2,260/- per month	Rs.2,260/- per month
Future Prospects	40% (2260+904)	Rs.3,164/-
Deduction	50% (3164-1582)	Rs.1,582/-
Multiplier	15	15
Total loss of dependency	Rs.1,582 x 15 x 12	Rs.2,84,760/-
Loss of estate		Rs.15,000/-
Funeral expenses		Rs.15,000/-
Filial consortium to Claimant Nos.1 & 2	Rs.40,000/-x2	Rs.80,000/-
Compensation awarded by Tribunal	Rs1,20,000/-	
Compensation awarded in appeal		Rs.3,94,760/-
Enhancement of compensation	Rs.3,94,760/- (as awarded in appeal) - Rs.1,20,000/- (as awarded by Tribunal)	Rs.2,74,760/-

13. Appellants-claimants shall be entitled to enhanced compensation except for conventional heads i.e. loss of consortium, funeral



expenses and loss of estate along with 7.5% interest from date of filing of claim petition till realization of entire amount. Interest on enhanced compensation under conventional heads shall be payable from August 2017 onwards till its realization. Apportionment and liability to pay compensation shall be as per the award.

14. Present appeal is allowed in above terms.
15. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

10.07.2026
poonam

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>