



2026:DHC:3674



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Reserved on : 10th April 2026*
Pronounced on: 30th April 2026
Uploaded on : 30th April 2026

+ **MAC.APP. 397/2022**

RUBI DEVI AND ANR.

.....Appellants

Through: Mr. Manish Maini, Ms. Aastha
Chauchan, Advocates.

versus

THE NEW INDIA ASSURANCE COM. LTD. AND ORS.

.....Respondents

Through: Mr. Sahil Paul & Mr. Sandeep
Dayal, Advocates for respondent
no.1

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J.

1. This appeal has been filed by the legal representatives of the deceased/Durga, assailing the judgment dated 03rd August 2022 passed by the Motor Accident Claims Tribunal, North District, Rohini Courts, Delhi (*'MACT/Tribunal'*) in MAC Petition No. 306/2018.

2. The incident relates to an accident which occurred on 19th February 2018 at about 8:00 AM, when *Durga Kumari ('deceased')* was playing with other children along the roadside, i.e. service road near construction site of *Ahluwalia Contractors India Ltd.*, Narela, Delhi and was suddenly hit by the offending truck bearing registration no. KA-01-AD-9401, allegedly being driven in a rash and negligent manner by respondent no.2.



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3. She sustained grievous injuries and was removed to SRHC Hospital, where she was declared 'brought dead'.
4. FIR No. 118/18 under Sections 279/304A IPC was registered at PS Narela.
5. The Tribunal, *vide* impugned judgment dated 03rd August 2022, awarded a total compensation of Rs. 5,60,000/- along with interest @ 9% *per annum* from the date of filing of the claim petition till deposit. The Tribunal relied upon the dictum laid down by this Court in ***Chetan Malhotra v. Lala Ram & Ors.*** 2016:DHC:3863 and assessed the notional income at Rs. 42,000/- per annum ($15,000 \times 280$ divided by 100). After deducting 1/3rd towards personal expenses and applying a multiplier of 10, pecuniary damages of Rs. 2,80,000/- were awarded along with Rs. 2,80,000/- towards composite non-pecuniary damages.

Submission on behalf of Appellants

6. Counsel for appellant assails the award primarily on following grounds.
 - 6.1. ***Firstly***, the tribunal wrongly assessed the notional income at Rs. 42,000/- per annum. *Mr. Maini* submits that the issue with respect to assessment of notional income of a minor child now stands settled by the Supreme Court as well as this Court.
 - 6.1.1. It is contended that in ***Kajal v. Jagdish Chand*** (2020) 4 SCC 413, the Supreme Court categorically held that adoption of notional income at Rs.15,000/- per annum is not proper way of assessing future loss of income of a child, and the Court assessed the income on the basis of minimum wages payable to a skilled worker.



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6.1.2. He further relies upon *Master Ayush v. Reliance General Insurance Co. Ltd.* (2022) 7 SCC 738, wherein the Supreme Court, while awarding compensation to the parents on account injury suffered by five-year-old child, followed and relied upon *Kajal (supra)* and reiterated that the benchmark for determining notional income of a minor ought to be minimum wages payable to a skilled worker. It is stated that similar observations were made by the Supreme Court in *Minor Roopa v. New India Assurance Co. Ltd* (2024) 12 SCC 490.

6.1.3. He further relied on the judgment of this Court in *Oriental Insurance Co. Ltd. v. Reena Raghav* 2023 SCC OnLine Del 6695, wherein compensation for the death of a five-year-old girl child was computed by adopting minimum wages applicable to a skilled worker. Similar view was taken in *United India Insurance Co. Ltd. v. Jamaluddin & Ors.* 2023:DHC:6242, and in *Om Prakash v. Reliance General Insurance Co. Ltd.* 2023 SCC OnLine Del 6526.

6.2. *Secondly*, Mr. Maini, counsel for appellant, submitted that the multiplier of 18 ought to have been applied instead of 10. To substantiate his argument, he relied upon the judgments of supreme Court in *Kajal (supra)*, *Master Ayush (supra)*, *Baby Sakshi Greola v. Manzoor Ahmad* 2024 SCC Online 3692 SC and *Karuna Parmar v. Prakash Sinha* 2025 INSC 1244 and of this Court's judgment in *Reena Raghav (supra)*, and *National Insurance Company Ltd v. Sanju & Ors.* 2025:DHC:11781.

6.3. *Thirdly*, he contended that the MACT failed to add future prospects, despite the settled law. To support his contention, he relied upon Supreme Court's judgment in *Baby Sakshi Greola (supra)* and in *Karuna Parmar (supra)*. In these cases, the Court assessed notional income on the basis of



minimum wages payable to a skilled worker, added 40% towards future prospects, and applied a multiplier of 18.

Submission on behalf of Respondent/Insurance Company

7. Mr. Sahil Paul, counsel appearing on behalf of respondent no.1/Insurance Company, on the other hand, contends that:

7.1. Multiplier of 18 is ordinarily applied in cases where a minor child has suffered injuries resulting in permanent disability, as the family has to take care of the child throughout his/her life. He submits that in cases involving the death of a minor child below 15 years, the settled judicial approach has been to apply a lower multiplier, generally 15. He relied upon ***Devendra Kumar Tripathi and Others v. The Oriental Insurance Co. Ltd. and Anr.*** 2025 INSC 1429, particularly on *paragraph 6*, which is extracted as under:

“6. The facts in Baby Sakshi Greola (supra) are quite distinct from the present case. Here, the child died and the claim of compensation by the parents would definitely stand on a different footing from that of a claim filed by a disabled child, destined to live the rest of his/her life with a debilitating condition of mental retardation and severe incontinence.”

7.2. He further relies on the following judgments in ***Thangavel and Others v. The Managing Director, Tamil Nadu State Transport Corporation Limited*** 2025 INSC 949, wherein the Supreme Court has adopted a *multiplier of 15* in case of death of a 10-year-old boy.

7.3. Reliance has also been placed on the following judgments:



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- (i) ***Meena Devi v. Nunu Chand Mahto @ Nemchand Mahto and Others***, Special Leave Petition (Civil) No. 5345 of 2019, decided on 13.10.2022;
- (ii) ***Kurvan Ansari @ Kurvan Ali and Another v. Shyam Kishore Murmu and Another*** (2022) 1 SCC 317;
- (iii) ***Rajendra Singh and Others v. National Insurance Co. Ltd. and Others*** (2020) 7 SCC 256;
- (iv) ***Kishan Gopal and Another v. Lala and Others*** (2014) 1 SCC 244;
and
- (v) ***R.K. Malik and Anr. v. Kiran Pal and Others*** (2009) 14 SCC 1.

Submissions in rejoinder

8. In rebuttal, counsel for the appellant raised three aspects:

8.1. ***Firstly***, there is no distinction between the multiplier to be adopted in cases of death and injury. Moreover, it was contended that the judgment in ***Smt. Sarla Verma & Ors v. Delhi Transport Corporation & Anr.*** (2009) 5 SCC 121, wherein the multiplier was standardised by the Supreme Court, does not prescribe separate multipliers for death and injury cases.

8.2. ***Secondly***, the judgment in ***Devendra Kumar Tripathi (supra)*** failed to consider earlier precedents, including the Supreme Court's Judgment in ***Karuna Parmar v. Prakash Sinha*** 2025 INSC 1244, wherein the multiplier in cases of death of a child below 15 years has been taken as 18. Moreover, he relies upon the judgement of this Court in ***Cholamandalam MS General Insurance Co. Ltd. v. Bhupan Paswan*** 2025 SCC OnLine Del 1045 of Delhi High Court, which was challenged before the Supreme Court, and the Supreme Court declined to interfere with the impugned judgment, wherein



also the High Court had awarded multiplier of 18 in cases of death of a child below 15 years.

8.3. **Thirdly**, it is was argued that the reasoning that a higher multiplier ought to be applied in cases of injury, on the ground that the parents require to care for the child throughout his/her lifetime, is flawed, since in case of injury compensation is already awarded under multiple non-pecuniary heads for the same consideration.

Analysis

9. Having heard the submissions of counsels for parties and perused the judgments relied upon by them, this Court is of the view that contentions raised by the counsel for the parties effectively boil down to two issues, which are discussed as under.

On notional income of a minor

10. As regards determination of benchmark income, this Court in **Sanju** (*supra*), after examining the decision in **Kajal** (*supra*) and the subsequent judgments that followed and relied upon it, concluded that the notional income in cases concerning fatal accidents of minor children cannot be treated as a fixed or static figure. Instead, the appropriate way to assess the income is on the basis of the minimum wages payable to a skilled worker in the concerned State. The relevant observations of the Court are reproduced below:

“10. The first of these cases was Kajal v. Jagdish Chand, which was a case of injury inflicted upon a child of 12 years of age. The Court computed loss of future income on the basis of minimum wages of a skilled worker, reasoning as follows:

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

11. The judgment in Kajal was followed in Master Ayush v. Branch Manager, Reliance General Insurance Co. Ltd., Minor Roopa v. The Divisional Manager, New India Assurance Company Ltd., and Baby Sakshi Greola v. Manzoor Ahmad Simon, which were all also cases where minor victims had suffered debilitating injuries.

12. This line of judgments has recently been reiterated in Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari, which was once again an injury case. The Supreme Court held therein as follows:

“9. On the aspect of monthly income of the minor appellant, we are inclined to interfere with the judgment and order of the Courts below. In the present case, it is evident that the Courts below have failed to take into account the monthly income of the appellant while determining the quantum of compensation. It is now a well-entrenched and consistently reiterated principle of law that a minor child who suffers death or permanent disability in a motor vehicle accident, cannot be placed in the same category as a non-



earning individual for the purposes of assessing the amount of compensation because the child was not engaged in gainful employment at the time of the accident. In such a case, the computation of compensation under the head of loss of income ought to be made by adopting, at the very least, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises. The said observation was rendered by this Court, in *Kajal v. Jagdish Chand and Ors.*, and *Baby Sakshi Greola v. Manzoor Ahmad Simon and Anr*

15. For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matrix of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court's interference, applying well-established principles of law."

(emphasis added)

On applicable multiplier for a minor

11. As regards the issue of multiplier, this Court in *Sanju* (*supra*) assessed a line of judgments including *Kajal* (*supra*), *Master Ayush* (*supra*) *Baby Sakshi Greola v. Manzoor Ahmad Simon* 2024 SCC OnLine SC 3692, and *Karuna Parmar v. Prakash Sinha* 2025 INSC 1244, which were referred and assessed in detail.

12. Further, reliance was placed in *Sanju* (*supra*) upon decisions by this Court in *National Insurance Co. Ltd. v. Pooja* 2025 SCC OnLine Del



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1044, *Rakesh Sharma v. Ashok* 2025 SCC OnLine Del 1364 and *Cholamandalam MS General Insurance Co. Ltd. v. Bhupan Paswan* 2025 SCC OnLine Del 1045, wherein a multiplier of 18 was adopted after considering the decisions of the Supreme Court.

13. Relevant observations made by this Court in *Sanju* (*supra*) are extracted as under:

“26. In my view, the argument, at least before this Court, is foreclosed by the judgments in Pooja, Rakesh Sharma, and Bhupan Paswan, where the multiplier 18 has been adopted after considering the judgments in Sarla Verma, Kajal, Master Ayush, and Sakshi Greola. The discussion on this aspect in Bhupan Paswan reads as follows:

“31. The learned Tribunal has computed the compensation by applying a multiplier of 15, by considering the age of the deceased.

32. The calculation of Multiplier has been laid down in the case of Sarla Varma (Supra) as under:-

“21. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.”

33. Evidently, the Judgment is silent on the multiplier to be used for the victims under 15 years



of age. This incongruity in the matter of selection of multiplier in the case of persons in the age group up to 15 years was noted in by the Apex the case of Divya vs. National Insurance Company Ltd., Civil Appeal No. 7605/2022.

In the most recent judgment of the Supreme Court in Baby Sakshi Greola vs. Manzoor Ahmad Simon &Anr., SLP (C) No. 10996/2018, while referring to the judgments of Kajal (supra) and Master Ayush (supra), the Apex Court has applied the multiplier of 18 for a minor.

Thus, in light of the above judgments, this Court deems it appropriate to ascertain the Multiplier as '18' to calculate the loss of dependency is calculated accordingly."

As noted above, the Supreme Court declined special leave to appeal against this judgment.

27. Having regard to the binding judgment of the Coordinate Bench, which considers Sarla Verma, I am of the view that the applicable multiplier in such cases would be 18."

(emphasis added)

14. Taking a similar view, this Court in **Tata AIG General Insurance Company v Mukesh Kumar and Ors.** 2026:DHC:756, while dealing with an appeal filed by the Insurance Company on the ground that the Tribunal while assessing loss of dependency in case of death of a minor child had erred by taking the multiplier of 18, instead of 15, and that income of the deceased should either be determined on the basis of notional income or that of an unskilled worker, dismissed the said appeal and held as under:

"22.6 Analysing all these decisions, this Court in Sanju (supra) held the view, as extracted above in paragraph



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14, that the applicable multiplier would be 18 and that minimum wages of a skilled worker of the concerned State would be applicable.

23. In view of the above discussion, contention of appellant cannot be accepted.”

(emphasis added)

15. Reliance placed by the counsel for the Insurance Company on ***Thangavel and Ors.*** (supra) is misplaced, as the Supreme Court has categorically opined in *paragraph 6* that the multiplier of 15 was adopted considering the age of the mother of the deceased minor was who 36 years at the time of the accident. The relevant paragraph is extracted as under:

“6. We are of the opinion that the monthly income of Rs.5,000/- as adopted for the child by the Tribunal is perfectly in order. There is no question of any deduction for personal expenses and hence even if the multiplier adopted is 15, considering the mother’s age of 36, the total compensation for loss of dependency would be Rs.7,50,000/-, Rs.30,000 more than that awarded by the Tribunal.....”

(emphasis added)

16. The Supreme Court in the case of ***Reshma Kumari v. Madan Mohan*** (2013) 9 SCC 65, held that the multiplier is to be used with reference to the age of the deceased. The Constitution Bench in ***National Insurance Company Ltd. vs. Pranay Sethi & Ors.*** (2017) 16 SCC 680 affirmed the view taken in ***Smt. Sarla Verma & Ors v. Delhi Transport Corporation & Anr.*** (2009) 5 SCC 121 and ***Reshma Kumari*** (supra), and recorded in the conclusions as under:

“59.7. The age of the deceased should be the basis for applying the multiplier.”



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17. Therefore, multiplier of 15 adopted in *Thangavel and Ors. (supra)* is as per age of mother of the deceased and not that of the deceased.

18. As regards the argument raised by *Mr. Paul*, counsel for Insurance Company, that different multipliers ought to be applied in cases of death and injury, relying upon the judgment of Supreme Court in *Devendra Kumar Tripathi (supra)*, this Court notes that post *Kajal (supra)*, the Supreme Court has taken a consistent view regarding the multiplier to be applied in cases involving persons below 15 years of age.

19. Furthermore, this Court has consistently taken the view in multiple case including *Jamaluddin (supra)*, *Reena Raghav (supra)*, *Pooja (supra)*, *Sanju (supra)*, and *Mukesh (supra)*, that a multiplier of 18 ought to be applied in cases involving the death of a child below 15 years of age.

20. For ease of reference, a tabulation of cases wherein a multiplier of '18' has been applied in cases of injury or death involving a child below 15 years is as follows:

Sr. no.	Cases	Death/injury	Date of decision
Supreme Court			
1.	<i>Kajal v. Jagdish Chand and Ors.</i> (2020) 4 SCC 413	Injury	05.02.2020
2.	<i>Master Ayush v. Reliance General Insurance Co. Ltd.</i> (2022) 7 SCC 738	Injury	29.03.2022
3.	<i>Minor Roopa v. New India Assurance Co. Ltd</i> (2024) 12 SCC 490	Injury	03.08.2022
4.	<i>Baby Sakshi Greola v. Manzoor Ahmad</i> 2024 SCC Online 3692 SC	Injury	11.12.2024
5.	<i>Karuna Parmar v. Prakash Sinha</i> 2025 INSC 1244	Death	11.02.2025



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6.	<i>Cholamandalam MS General Insurance Co. Ltd. v. Bhupan Paswan</i> SLP No.17412/2025	Death	SLP filed by Insurance Company was dismissed on 14.07.2025
Delhi High Court			
1.	<i>United India Insurance Co. Ltd. v. Jamaluddin & Ors.</i> 2023:DHC:6242	Death	25.08.2025
2.	<i>Oriental Insurance Co. Ltd. v. Reena Raghav</i> 2023 SCC OnLine Del 6695	Death	16.10.2023
3.	<i>National Insurance Co. Ltd. v. Pooja</i> 2025 SCC OnLine Del 1044,	Death	21.02.2025
4.	<i>National Insurance Company Ltd v. Sanju & Ors.</i> 2025:DHC:11781	Death	20.12.2025
5.	<i>Tata AIG General Insurance Company v Mukesh Kumar and Ors.</i> 2026:DHC:756	Death	29.01.2026

21. Moreover, in *Sarla Verma (supra)*, no separate multipliers have been prescribed for cases of death and injury. For this, it is necessary to understand the rationale behind the introduction of the multiplier system.

22. In this regard, it is necessary to trace back the origin of multiplier. Recognition of this principle was made in *Madhya Pradesh State Road Transport Corporation, Bairagarh, Bhopal v. Sudhakar & Ors.* (1977) 3 SCC 64, the Court, while referring to an English decision in *Mallet v. McMonagle* [1970] A.C. 166, wherein the significance and scope of this principle was emphasised in the following terms:

“4. A method of assessing damages, usually followed in England, as appears from *Mallet v. McMonagle*, is to calculate the net pecuniary loss upon an annual basis and to “arrive at the total award by multiplying the figure assessed as the amount of the annual ‘dependency’ by a number of ‘year's purchase’, (p. 178) that is, the number



of years the benefit was expected to last, taking into consideration the imponderable factors in fixing either the multiplier or the multiplicand. The husband may not be dependant on the wife's income, the basis of assessing the damages payable to the husband for the death of his wife would be similar. Here, the lady had 35 years of service before her when she died. We have found that the claimant's loss reasonably works out to Rs 50 a month i.e. Rs 600 a year. Keeping in mind all the relevant facts and contingencies and taking 20 as the suitable multiplier, the figure comes to Rs 12,000. The Tribunal's award cannot therefore be challenged as too low though it was not based on proper grounds. In a decision of the Kerala High Court relied on by the appellant to which one of us was a party, the same method of assessing compensation was adopted.”

(emphasis added)

23. The Supreme Court, in the case of ***U.P. State Road Transport Corporation & Ors. v. Trilok Chandra & Ors.*** (1996) 4 SCC 362, justified the application of multiplier method in the following manner:

“13. It was rightly clarified that there should be no departure from the multiplier method on the ground that Section 110-B, Motor Vehicles Act, 1939 (corresponding to the present provision of Section 168, Motor Vehicles Act, 1988) envisaged payment of ‘just’ compensation since the multiplier method is the accepted method for determining and ensuring payment of just compensation and is expected to bring uniformity and certainty of the award made all over the country.”

(emphasis added)

24. In ***General Manager, Kerala S.R.T.C vs Susamma Thomas*** 1994 SCC (2) 176, the Supreme Court held that multiplier is based on the deceased's age and not on the age of the dependents and set a maximum



multiplier limit. The Court also held multiplier method is logically sound and legally well established and recorded as under:

“16. It is necessary to reiterate that the multiplier method is logically sound and legally well-established. There are some cases which have proceeded to determine the compensation on the basis of aggregating the entire future earnings for over the period the life expectancy was lost, deducted a percentage therefrom towards uncertainties of future life and award the resulting sum as compensation. This is clearly unscientific. For instance, if the deceased was, say 25 years of age at the time of death and the life expectancy is 70 years, this method would multiply the loss of dependency for 45 years virtually adopting a multiplier of 45 and even if one-third or one-fourth is deducted therefrom towards the uncertainties of future life and for immediate lump sum payment, the effective multiplier would be between 30 and 34. This is wholly impermissible. We are, aware that some decisions of the High Courts and of this Court as well have arrived at compensation on some such basis. These decisions cannot be said to have laid down a settled principle. They are merely instances of particular awards in individual cases. The proper method of computation is the multiplier, method. Any departure, except in exceptional and extraordinary cases, would introduce inconsistency of principle, lack of uniformity and an element of unpredictability for the assessment of compensation. Some judgments of the High Courts have justified a departure from the multiplier method on the ground that Section 110-B of the Motor Vehicles Act, 1939 insofar as it envisages the compensation to be 'just', the statutory determination of a 'just' compensation would unshackle the exercise from any rigid formula. It must be borne in mind that the multiplier method is the accepted method of ensuring a 'just' compensation which will make for uniformity and certainty of the awards. We disapprove these decisions of the High Courts which have taken a contrary view. We indicate that the multiplier method is



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the appropriate method, a departure from which can only be justified in rare and extraordinary circumstances and very exceptional cases.”

(emphasis added)

25. In *Sarla Verma (supra)*, the Supreme Court standardised the application of multiplier.

26. Reference may also be made to *Reshma Kumari (supra)*, wherein the Court, while endorsing the principles laid down in *Sarla Verma (supra)*, advocated for a standardized application of multipliers to ensure consistency and fairness in the award of compensation.

27. The Court in *Reshma Kumari (supra)* emphasized on standardisation introduced in *Sarla Verma (supra)* to reduce inconsistencies and arbitrariness in compensation awards. The Court also underlined the need to align multipliers with Indian economic realities.

28. Accordingly, it can be noted that the application of the multiplier method is aimed at establishing a structured formula for determining compensation by multiplying the annual loss of dependency or multiplicand with an appropriate factor or multiplier based on the age of the victim. Moreover, there is no distinction in the application of the multiplier between cases of death and injury. The objective is to standardise the assessment of compensation by applying a fixed multiplier for victims within the same age group, rather than making the process complex.

29. It is noted that judgment in *Devendra Kumar Tripathi (supra)* does not advert to earlier judgments of the Supreme Court wherein the multiplier of 18 has been applied even in cases of death. Therefore, it is possible that the attention of the Supreme Court was not drawn to this aspect.



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30. Taking into account the discussion above, the following aspects are quite evident:

30.1. **Firstly**, application of a standardised multiplier is in consonance with awarding ‘*just compensation*’ under the MV Act;

30.2. **Secondly**, adoption of separate multiplier in case of injury and death was not envisaged by the Constitutional Bench of the Supreme Court in ***Reshma Kumari (supra) and Pranay Sethi (supra)***;

30.3. **Thirdly**, the Supreme Court in its various decisions has applied minimum wages of skilled worker, along with future prospect at 40% and a multiplier of 18, in case a minor below 15 years of age;

30.4. **Fourthly**, this Court has also remained consistent in adoption of these three elements for a minor; and

30.5. **Fifthly**, this Court concurs with the submission of *Mr. Maini* that, in cases of injury, compensation is awarded under various non-pecuniary heads also, so as to adequately balance the loss suffered by the injured, unlike in a death case.

31. Considering the discussion above, this Court is of the view that multiplier of ‘18’ ought to be applied instead of multiplier of ‘10’, as applied by the MACT.

Conclusion

32. Therefore, in light of the above decisions, the minimum wages of a skilled worker in Uttar Pradesh ought to be taken as benchmark income, as the deceased was resident of *Ghaziabad, Uttar Pradesh*. At the time of accident minimum wages of a skilled worker in Uttar Pradesh were *Rs. 7,085/- per month*; the same shall have to be accounted for. *Multiplier of 18*, instead of *10*, shall be considered.



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33. *Future prospects* will be awarded at 40%, considering that the claimant was below 40 years of age, in line with the parameters provided in ***Pranay Sethi (supra)***.

34. A lump-sum amount of non-pecuniary damages have been awarded to the claimants, which need to be aligned with the principles enunciated in ***Pranay Sethi (supra)*** by the Supreme Court, as under:

- (i) There are two family members/claimants and, therefore, *loss of consortium* would be *Rs. 40,000/- X 2 = Rs. 80,000/-*
- (ii) *Funeral expenses* ought to be *Rs. 15,000/-*.
- (iii) *Loss of estate* ought to be *Rs. 15,000/-*.

35. As per the principles enunciated in ***Pranay Sethi (supra)***, 1/2 ought to be deducted towards *personal expenses* instead of 1/3, since the deceased was a bachelor.

36. The revised computation, therefore, is provided as under:

S. No.	Heads of compensation	Awarded by the Tribunal	Awarded by this Court
1	Annual Income of deceased (A) (less Income Tax)	Rs. 42,000	Rs. 7,085/- x 12 = Rs. 85,020
2	Add Future Prospects (B)	-	40% of Rs. 85,020 = Rs. 34,008/-
3	Less Personal expenses of the deceased (C)	1/3 of Rs. 42,000/- = Rs. 14,000/-	1/2 of 1,19,028/- = Rs. 59,514/-
4	Annual loss of dependency [(A +B)-C = D]	Rs. 28,000/-	Rs. 59,514/-
5	Multiplier (E)	10	18
6	Total loss of dependency (Dx12xE = F)	Rs. 2,80,000/-	Rs. 10,71,252/-
7	Non-pecuniary damages (G)	2,80,000/-	-
8	Compensation for loss of consortium (H)	-	40,000 x 2 = Rs. 80,000/-
9	Compensation for loss of estate (I)	-	Rs. 15,000/-
10	Compensation towards funeral expenses (J)	-	Rs. 15,000/-



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11	Total compensation (F+G+H+I+J = L)	Rs. 5,60,000/-	Rs. 11,81,252/-
12	Rate of Interest Awarded	9% per annum	9% per annum

37. Enhanced amount of compensation of Rs.6,21,252/-, along with accrued interest, will be deposited by respondent no.1/Insurance Company before the Tribunal within 4 weeks and shall be disbursed as per the directions of the MACT in the impugned award.

38. Copy of this judgment be sent to the concerned MACT.

39. Appeal stands disposed of with above directions.

40. Pending applications, if any, are rendered infructuous.

41. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

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