IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE AMIT SETH

ON THE 3rd OF NOVEMBER, 2026

MISC. APPEAL No. 6071 of 2022

CNR No.: MPHC030296972022

RAJESH SINGH AND ANR

Versus

RAHUL SINGH AND OTHERS

Appearance:

Shri Dharmendra Rishishwar - learned counsel for appellants-claimants.

Shri Bal Krishna Agrawal-learned counsel for the respondent No.3-Insurance Company.

None for respondents No. 1 and 2 (owner and driver of offending vehicle) though served

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ORDER

The matter is finally heard with the consent of learned counsel appearing for the parties.

2.The present miscellaneous appeal has been preferred under Section 173 of the Motor Vehicles Act, 1988, by the appellants-claimants, seeking enhancement of the compensation awarded by the Member, Motor Accident Claims Tribunal, Bhind (hereinafter referred to as the "Claims Tribunal"), vide Award dated 14th of September, 2022 passed in Motor Accident Claim Case No. 43 of 2020, whereby the Claims Tribunal has awarded

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compensation of Rs 5,45,000/- along with interest at the rate of 6% per annum from the date of filing of claim petition till its realization, on account of death of minor- deceased Harendra Singh Baghel, in a motor accident that occurred on 24.12.2019.

3. The date of accident, negligence and liability are not in dispute. The present appeal is confined only to the enhancement of compensation amount. Therefore, there is no need to reproduce the facts of the case in detail herein.

4. Shri Rishishwar, learned counsel appearing for the appellants-claimants submits that, at the time of accident, deceased, Harendra Singh Baghel, was a minor and was held by the Claims Tribunal to be aged about 14 years, 7 months and 9 days. However, the notional income has been determined by the Claims Tribunal at Rs.25,000/- per month, whereas, in view of the judgments of the Apex Court as well as this Court, the notional income ought to have been ascertained on the basis of minimum wages payable to unskilled workman on the date of accident, i.e., Rs. 7,950/- per month. He submits that the Claims Tribunal has erred in this regard and the appellants-claimants are entitled to adequate enhancement.

5. On the other hand, Shri Agarwal, learned counsel appearing for respondent No. 3-Insurance Company, by referring to the cross-objections filed *vide* Document No. 3508 of 2026 under Order XLI Rule 22 of the CPC, submits that the determination of the age of deceased as 14 years, 7 months and 9 days by the Claims Tribunal, on the basis of the Aadhaar Card, is erroneous. As per the postmortem report (Ex.P10), the age of deceased was 13 years. The Aadhaar Card is not conclusive proof for the determination of

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age, whereas the postmortem report is a scientific report. Therefore, the age ought to have been determined by the Claims Tribunal as 13 years.

6. Shri Agarwal, learned counsel appearing for respondent No.3-Insurance Company, further argues that the application of multiplier of 18 by the Claims Tribunal, placing reliance on the judgment of the Apex Court in the case of ***Smt. Sarla Verma & Others vs. Delhi Transport Corporation and Another, (2009) 6 SCC 121,*** is also erroneous. As per the said judgment, a multiplier of 15 is required to be applied. He submits that the said aspect has recently been considered by the Apex Court in the case of ***Meena Devi vs. Nunu Chand Mahto @ Nemchand Mahto and Others, 2022 Live-Law (SC) 841,*** wherein a multiplier of 15 for a minor below 15 years of age, has been applied. He further submits that a similar multiplier has been applied by the Apex Court in the case of ***Rajendra Singh and Others vs. National Insurance Company Limited and Others, (2020) 7 SCC 256.***

7. On the other hand, Shri Rishishwar, learned counsel appearing for the appellants- claimants submits that, insofar as the application of multiplier of 18 by the Claims Tribunal is concerned, the same does not call for interference. The Hon'ble Apex Court, in the case of ***Ku. Aarti vs. Udayveer Singh, Civil Appeal Number 14856 of 2025 (arising out of Special Leave Petition (C) No. 23625 of 2025),*** decided on 3.11.2025, in a case concerning the death of a minor aged about 9 years, has applied a multiplier of 18. The said order has been followed by the Coordinate Bench of this Court in the case of ***Smt. Manisha Gurjar & Others vs. Parmal Singh Gurjar and Others, decided on 7th of April, 2026, in MA No. 4571 of 2019,*** wherein a

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multiplier of 18 has been applied even in the case of death of a minor, aged about 5 years.

8. It has been further argued by Shri Agrawal, learned counsel appearing for respondent No.3-Insurance Company that the appellants-claimants have enhanced the valuation of the appeal from Rs.3 lakhs to Rs. 8 lakhs and have paid the Court fees for the said enhancement pursuant to the order dated 12.10.2026. In case, the appellants- claimants are held entitled to enhancement, the interest on the enhanced amount may be directed to be computed from the date of payment of enhanced Court fees.

9. Heard learned counsel for the parties and perused the record.

10. So far as the question of determination of compensation is concerned, learned counsel for the appellants- claimants has submitted that the notional income of the deceased ought to have been assessed on the basis of minimum wages payable to an unskilled workman prevailing on the date of the accident. In this regard, having regard to applicable guidelines of the Madhya Pradesh State Legal Services Authority (MPSLSA Guidelines), the monthly income of the deceased is taken as Rs.7,950/-. Accordingly, after taking the monthly income of the deceased as Rs.7,950/-, the annual income comes to Rs.95,400/-.

11. So far as the determination of the age of the deceased is concerned, the learned Claims Tribunal has relied upon the Aadhaar Card and determined his age as 14 years, 7 months and 9 days. However, the postmortem report (Ex.P10), which contains the medical opinion regarding the age of the deceased, records his age as 13 years. An Aadhaar Card is

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primarily an identity document and cannot, by itself, be treated as conclusive proof of the age of its holder. On the other hand, the age recorded in the postmortem report is based upon medical assessment conducted in the course of postmortem examination. Therefore, in the facts and circumstances of the present case, this Court finds the medical opinion recorded in the postmortem report to be a more reliable basis for determining the age of the deceased. Accordingly, the age of the deceased is taken as 13 years at the time of the accident.

12. Though learned counsel appearing for the appellants-claimants has placed reliance on the order passed by the Apex Court in the case of ***Ku. Aarti (supra)*** to contend that even in the case of a minor below 15 years of age, a multiplier of 18 has to be applied, it is the stand of learned counsel appearing for the Insurance Company that, in the case of a minor up-to the age of 15 years, a multiplier of 15 must be applied in the light of the judgment of Apex Court in the case of ***Meena Devi (supra),*** as well as the judgment of Apex Court in the case of ***Divya vs. The National Insurance Company Limited and Another, Civil Appeal No.7605 of 2022 (arising out of Special Leave Petition (C) No.255303 of 2019),*** **decided on 18th of October, 2022.** It is contended that the higher multiplier of 18, in the light of the judgment of the Apex Court in the case of ***Smt. Sarla Verma (supra),*** applies to the age groups starting from 15 to 25 years and not to children below 15 years of age.

13. The relevant consideration made by the Apex Court in the case of **Divya (supra)** with respect to the applicability of the multiplier for children

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belonging to the age group up to 15 years, is reproduced hereunder-:

> *"**10.1.1** An incongruity appears to exist in the matter of selection of multiplier in the case of persons belonging to the age group up to 15 years. In the decision in Kajal's case in respect of the appellant/claimant belonging to the said age group the two-Judge Bench took the multiplier as 18. This was followed by another two-Judge Bench in Abhimanyu Pratap Singh Vs. Namita Sekhon & Anr. (2022) 8 SCC 489. However, in the case on hand 4 (2022) 8 SCC 489 the multiplier as relates the appellant/claimant belonging to the self-same age group (at the time of the accident) was taken as 15. In this context it is relevant to refer to the Constitutional Bench decision of this Court in National Insurance Company Ltd. vs. Pranay Sethi (2017) 16 SCC 680. The Constitutional Bench after taking into account the decisions in Sarla Verma (Smt) & Ors. vs. Delhi Transport Corporation & Anr. (2009) 6 SCC 121, Reshma Kumari & Ors. V. Madan Mohan & Anr. (2013) 9 SCC 65 and Rajesh v. Rajbir Singh (2013) 9 SCC 54 observed that the formula relating to multiplier has been clearly stated in Sarla Verma's case and it has been approved in Reshma Kumari's case. Thereafter, it was held in Pranay Sethi's case thus, the selection of multiplier shall be as indicated in the table in Sarla Verma's case read with paragraph 42 of that judgment. The two-Judge Bench in Abhimanyu Pratap Singh's case (supra) found that in column No. 4 of the table referred to in paragraph 42 of Sarla Verma's case virtually no multiplier has been shown. This is certainly true as in the table the figure '15' is shown only in column No. 5 which is the multiplier specified in second column in the table in II, Schedule-II, MV Act. In fact, in column No. 4 of the table in Sarla Verma's case the highest multiplier is '18' and it is shown applicable to two age groups; firstly, to the age group of 15 to 20 years and secondly, to the age group of 21 to 25 years. It is in the said circumstances, that as relates the age group up to 15 years the multiplier was selected as '18'.*
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> ***10.1.2** xxxxxxxxxxxxxxxxx*
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> ***10.1.3** In the said circumstances, in the light of the*

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aforesaid observation and conclusion and also taking note of the fact that Reshma Kumari is a three-Judge Bench decision we will have to refer to the relevant recitals in the said decision. In Reshma Kumari's case the conclusion in paragraph 43.2 reads thus:

> *"43.2. In cases where the age of the deceased is upto 15 years, irrespective of 166 or 163A under which the claim for compensation has been made, the multiplier of 15 and the assessment as indicated in the second schedule subject to correction as pointed out in Column (6) of the table in Sarla Verma should be followed." It is also relevant to note that after referring to paragraph 42 in Sarla Verma's case dealing with the multiplier the three-Judge Bench in Reshma Kumari's case approved the same stating thus:*
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> *"It is high time that we move to a standard method of selection of multiplier, income for future prospects and deduction for personal and living expenses. The courts in some of the overseas jurisdictions have made this advance. It is for these reasons, we think we must approve the Table in Sarla Verma for the selection of multiplier in claim applications made Under Section 166 in the cases of death. We do accordingly. If for the selection of multiplier, Column (4) of the Table in Sarla Verma is followed, there is no likelihood for the claimants who have chosen to apply under Section 166 being awarded lesser amount on proof of negligence on the part of the driver of the motor vehicle than those who prefer to apply under Section 163-A. As regards the cases where the age of the victim happens to be up to 15 years, we are of the considered opinion that in such cases irrespective of Section 163-A or Section 166 under which the claim for compensation has been made, multiplier of 15 and the assessment as indicated in the Second Schedule subject to correction as pointed out in Column (6) of the Table in Sarla Verma should be followed. This is to ensure that the claimants in such cases are not awarded lesser amount when the application is made under Section 166 of the 1988 Act. In all other cases of death where the application has*

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been made under Section 166, the multiplier as indicated in Column (4) of the Table in Sarla Verma should be followed.

(emphasis added)

10.1.4 *We are of the considered view that the selection of multiplier '15' for the age group upto 15 years by the three-Judge Bench in Reshma Kumari's case is having a sound basis. It is common knowledge that the age group of 21 to 25 years is regarded as the commencement of normal productive years as referred specifically by the two-Judge Bench in Sarla Verma's case at paragraph 39. True that in Sarla Verma's case the same multiplier viz., '18' is selected for the age group 15 to 20 years. In this context, it is relevant to refer to the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, which is an enactment to prohibit the engagement of children in all occupation and to prohibit the engagement of adolescence in hazardous occupations and process and matters connected therewith and incidental thereto. In the said Act the term "child" has been defined in Section 2(ii) as hereunder:*

"S.2…

(i)…

(ii) "child" means a person who has not completed his fourteenth year of age or such age as may be specified in the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), whichever is more"

In the said circumstances, when there is clear prohibition under an enactment for engagement of children and the definition of "child" under the said enactment takes in children who have not completed their fourteenth year of age within its fold, there is certainly justification for selecting a lower multiplier of '15' in the case of victims belonging to the age group upto 15 years. Since the Constitutional Bench in Pranay Sethi's case held Rajesh's case (supra) as not a binding precedent for not taking note of decision in Reshma Kumari's case, held that the formula relating to multiplier has been approved in Reshma Kumari's case after extracting the afore-extracted paragraph No. 43.1 and 43.2 in Reshma Kumari's case and that the three-Judge Bench in Reshma Kumari held that as regards the cases where the age of the victim happens to be upto 15

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years the multiplier should be '15' we are bound to take the multiplier of victims upto the age group of 15 years as '15'. Hence, according to us, the High Court has rightly identified the multiplier by looking into the table in Sarla Verma's case as 15.' '

[Emphasis supplied]

14. In view of the aforesaid legal position, this Court is of the considered opinion that, having regard to the age of the deceased, which was below 15 years at the time of the accident, the appropriate multiplier to be applied in the present case is 15 and not 18, as applied by the learned Claims Tribunal.

15. Since the deceased was a minor, a deduction of 50% towards his personal and living expenses is considered appropriate. Accordingly, after deducting 50% from the annual income of the deceased, the annual loss of dependency comes to Rs.47,700/-. Applying the multiplier of 15, as discussed hereinabove, the total compensation payable towards loss of dependency comes to Rs.7,15,500/-. Apart from the aforesaid amount, the appellants, being the father and mother of the deceased minor child, are also entitled to compensation towards loss of parental consortium. Accordingly, an amount of Rs.40,000/- each is awarded to the appellants-claimants towards loss of parental consortium, totalling Rs.80,000/-.The appellants-claimants are further entitled to Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate, which has not been awarded by learned Claims Tribunal while computing the compensation.

16. In view of the aforesaid discussion, the compensation payable to the appellants-claimants is recalculated as under:-

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Particulars	Amount
Monthly income of the deceased	Rs.7,950/-
Annual income (Rs.7,950 × 12)	Rs.95,400/-
Less: 50% towards personal and living expenses	Rs.47,700/-
Annual loss of dependency	Rs.47,700/-
Multiplier 15	Rs.7,15,500/-
Loss of parental consortium (Rs.40,000 × 2)	Rs.80,000/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total compensation payable	**Rs.8,25,500/-**

17. Thus, the appellants-claimants are entitled to total compensation of **Rs.8,25,500/-** as against **Rs.5,45,000/-** awarded by learned Claims Tribunal. Consequently, the appellants-claimants are entitled to enhanced compensation of **Rs.2,80,500/-** (Rs.8,25,500/- minus Rs.5,45,000/-).

18. So far as the contention raised by learned counsel appearing for respondent No.3- Insurance Company regarding payment of enhanced court fees is concerned, it is evident from the record that the appellants-claimants had initially valued the appeal at Rs.3,00,000/- and subsequently, enhanced the valuation of appeal to Rs.8,00,000/- and paid the requisite Court fees pursuant to the order of this Court **dated 12.10.2026.**

19. In the present case, the enhanced compensation payable to the appellants-claimants is **Rs.2,80,500/-,** which is within the original valuation of the appeal of **Rs.3,00,000/-.** Accordingly, the entire enhanced compensation of Rs.2,80,500/- shall carry interest at the rate, as awarded by learned Claims Tribunal, from the date of filing of claim petition till its actual realization. Rest of the terms and conditions of the award passed by the learned Claims Tribunal shall remain intact.

20. Consequently, the appeal filed by the appellants-claimants is **partly**

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allowed in the aforesaid terms. The cross-objections filed by the Insurance Company are also **allowed and disposed of** to the extent of determination of the age of the deceased and application of the appropriate multiplier. The award passed by learned Claims Tribunal stands **modified accordingly.**

21. In view of the aforesaid modification, the appeal **stands disposed of.**

22. All pending application(s), if any, shall stand **closed.**

23. A copy of this order along with the record be sent to the concerned Claims Tribunal for information and compliance.

(AMIT SETH)
JUDGE

MKB

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