

(2025) 12 SC CK 0022

Supreme Court

Case No: Civil Appeal No. 14756 Of 2025 [@Special Leave Petition (Civil) No.2195 Of 2024]

Devendra Kumar Tripathi & Ors

APPELLANT

Vs

Oriental Insurance Company Ltd.
& Anr

RESPONDENT

Date of Decision: Dec. 15, 2025

Hon'ble Judges: Ahsanuddin Amanullah, J; K. Vinod Chandran, J

Bench: Division Bench

Advocate: John Mathew, Ranjan Kumar Pandey, Sandeep Bisht

Final Decision: Allowed

Judgement

K. Vinod Chandran, J

1. Leave granted.

2. A 14-year-old boy, proceeding to school with two of his classmates, met with an accident when a truck driven rashly and negligently took their lives. The son of the appellants No.1 and 2 herein died a day after, in the hospital while the two school mates died on the spot.

3. The Motor Accident Claims Tribunal in the claim petition of the parents granted a meagre amount of Rs.1,29,500/- (Rupees one lakh, twenty-nine thousand and five hundred) with 6% interest per annum. On a claim for enhancement being made before the High Court, the High Court enhanced it to Rs.4,70,000/- (Rupees four lakhs and seventy thousand) again with 6% interest.

4. Before us, Mr. John Mathew, learned counsel for the appellants vehemently argued that there was sufficient evidence produced before Court with respect to the earning of persons, who studied along with the deceased, his contemporaries, who went on to take up different gainful employments. The criteria adopted by the High Court is grossly inadequate, is the contention raised. It is also submitted that a multiplier of 18 has to be adopted. Reliance was also placed on **Baby Sakshi Greola**

v. Manzoor Ahmad Simon and Another 2024 INSC 963, the judgment of a Division Bench of this Court. Therein a seven-year-old child had suffered grievous injuries and was rendered disabled wherein the multiplier of 18 was adopted.

5. Mr. Ranjan Kumar Pandey, learned counsel for the insurance company, fairly submitted that he has no objection with respect to the minimum wages being adopted but the multiplier has to be kept at 15 as has been laid down in **Reshma Kumari v. Madan Mohan** 2013 SCC OnLine SC 284.

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. 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. In the present case, the child had died after a day and hence the parents would be entitled to some compensation for the pain and suffering suffered by the child on his death; which inure to the benefit of the legal heirs, which we compute at Rs.25,000/-. The total compensation, hence, would be:-

Sr.No.	Heads of Claim	Amount
	Loss of dependency	
1.	Rs.5400 x 12 x 140% x 15 x 1/2	Rs.6,80,400/-
2.	Loss of estate	Rs.15,000/-
3.	Loss of consortium @ Rs.40,000/-	Rs.80,000/-
4.	Medical expenses	Rs.50,000/-
5.	Funeral expenses	Rs.15,000/-
6.	Compensation for pain and suffering	Rs.25,000/-
	Total amount	Rs.8,65,400/-

9. The above amount shall be paid to the appellants, after deducting the amount already paid, within a period of two months from the date of this order with interest at the rate of 7.5%.
10. The appeal stands allowed with the above modification.
11. Pending applications, if any, shall stand disposed of.