



FAO No.869 of 2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

130

FAO No.869 of 2024 (O&M)
Date of decision: November 19th, 2025

Mukesh and another

...Appellants

Versus

Ravi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Balkar Singh, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. The parents of deceased-Pawan, who had died in a motor vehicular accident, have filed the present appeal for enhancement of compensation. The Tribunal vide award dated 06.11.2023 had awarded total compensation of ₹18,20,463/- along with interest to the appellants. The only issue which arises in the present appeal is as to whether the appellants are entitled to additional compensation or not, as the other aspects have not been disputed before this Court.
2. Learned counsel for the appellants has submitted that the appellants have been granted filial consortium only to the extent of ₹40,000/- each, whereas on the said account, an amount of ₹48,000/- each should have been granted. It is further submitted that the amount on accounts of loss of estate as well as funeral expenses has been awarded as ₹15,000/- each, whereas an amount of ₹18,000/- each is required to be awarded on the



said two aspects. It is submitted that thus, an additional compensation of ₹22,000/- be awarded to the appellants along with interest at the rate of 9% per annum. In support of his arguments, learned counsel for the appellants has relied upon the law laid down by the Hon'ble Supreme Court in case titled as ***Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram and others*** reported as ***(2018) 18 SCC 130***.

3. Learned counsel for respondent No.3, on the other hand, has submitted that the rate of interest sought to be applied by the appellants is highly excessive and the highest rate of interest that can be granted to the appellants is 6% per annum.

4. This Court has heard the learned counsel for the parties and has perused the paper book.

5. The Hon'ble Supreme Court in ***Magma General Insurance Company Limited's case (supra)*** had observed that in death case, under the head of loss of consortium, the parents of the deceased are entitled to be awarded loss of consortium under the head of filial consortium, children are entitled to parental consortium. To the widow, spousal consortium is to be given. Relevant portion of the said judgment is reproduced hereinbelow:-

“21. A Constitution Bench of this Court in Pranay Sethi dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is Loss of Consortium. In legal parlance, "consortium" is a compendious term which encompasses spousal consortium', 'parental consortium', and 'filial consortium'. The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a



spouse, it would include sexual relations with the deceased spouse.

21.1 Spousal consortium is generally defined as rights pertaining to the relationship of a husband wife which allows compensation to the surviving spouse for loss of "company, society,co-operation, affection, and aid of the other in every conjugal relation."

21.2 Parental consortium is granted to the child upon the premature death of a parent, for loss of "parental aid, protection, affection, society, discipline, guidance and training."

21.3 Filial consortium is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.

22. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world over have recognized that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.

23. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the



head of Filial Consortium. Parental Consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count 5. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of Filial Consortium.”

In the abovesaid judgment, a specific amount was awarded to the father and sister of the deceased and thus, the amount of consortium awarded was made dependent upon the number of claimants/legal representatives.

6. It could not be disputed that as per settled law, an amount of ₹48,000/- each is required to be paid on account of filial relationship to both the parents, whereas the Tribunal has only granted an amount of ₹40,000/- each. Further even the amount on accounts of loss of estate and funeral expenses is also on the lesser side, inasmuch as, the appellants are entitled to ₹18,000/- each on each of the said two accounts, whereas only an amount of ₹15,000/- on account of the said two accounts has been paid. Accordingly, the appellants are entitled to an additional compensation of ₹22,000/- along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of six weeks from today.

7. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 06.11.2023 passed by the Motor Accidents Claims Tribunal is modified and respondent No.3- Insurance Company is directed to pay an additional amount of ₹22,000/-



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along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of six weeks from today.

8. Pending application, if any, stands disposed of.

November 19th, 2025
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: No