



FAO No.1664 of 2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO No.1664 of 2023 (O&M)
Date of decision: November 18th, 2025

Bipti Devi and others

...Appellants

Versus

Sahab Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sajan, Advocate
for Mr. Rajesh Goyal, Advocate
for the appellants.

Mr. V.K. Garg, Advocate
for respondent No.3.

VIKAS BAHL, J. (ORAL)

CM-6216-CII-2023

This is an application filed under Section 5 of the Limitation Act for condonation of delay of 41 days in filing the appeal.

Learned counsel for the applicant-appellants has submitted that for the period of 41 days, the appellants would not claim any interest and has prayed that the said delay be condoned.

For the reasons mentioned in the application, which is duly supported by an affidavit as well as on account of the fair statement made on behalf of the appellants, present application is allowed and the delay of 41 days in filing the present appeal is hereby condoned.

As stated before this Court, the appellants would not claim interest for the said period of 41 days.



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Main case

1. Widow and three children of Budhan Ram, who had died in a motor vehicular accident, have filed the present appeal for enhancement of compensation. The Tribunal vide award dated 03.10.2022 had awarded an amount of ₹12,08,500/- along with interest to the appellants on account of death of said Budhan Ram. The only issue that arises in the present appeal is as to whether the appellants are entitled to enhancement of the said compensation, as the other aspects have not been disputed before this Court.

2. Learned counsel for the appellants has submitted that in the present case, on account of loss of consortium, only an amount of ₹40,000/- has been awarded, whereas there are four claimants and thus, as per settled law, an amount of ₹1,92,000/- (48000 X 4) was required to be granted to the appellants. It is submitted that thus, the appellants are entitled to additional compensation of ₹1,52,000/-. It is further argued that interest at the rate of 9% be granted on the said additional amount. 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 interest sought to be charged by the appellants is highly excessive and the highest rate of interest that should be granted 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.



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6. The plea raised by the appellants on account of consortium is meritorious. Only an amount of ₹40,000/- has been awarded by the Tribunal on account of loss of consortium, whereas there were four claimants in the present case and thus, as per the settled law, the appellants were entitled to ₹1,92,000/- (48000 X 4) on account of consortium as per settled law. Accordingly, the appellants are entitled to an additional compensation of ₹1,52,000/- 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 03.10.2022 passed by the Motor Accidents Claims Tribunal is modified and respondent No.3- Insurance Company is directed to pay an amount of ₹1,52,000/- 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.

November 18th, 2025
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: No