



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-641-2021 (O&M)

Date of Decision : 01.12.2025

Gulzar Singh and Another

... Appellants

Versus

Paramjit Singh and Another

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Surinder Garg, Advocate for the appellants.

Mr. L.S. Sidhu, Advocate for the respondents.

ALKA SARIN, J. (Oral)

1. Present appeal has been filed by the owner and driver of the Mini Bus bearing registration No.PB-03AJ-0945 (hereinafter referred to as the 'offending vehicle;') aggrieved by the award dated 26.11.2019 passed by the Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as the 'Tribunal').

2. On 27.07.2021 the following order was passed :

" It is submitted by learned counsel for the appellants that the Tribunal itself has recorded a finding that the claimant-father of the deceased was not entitled to any compensation; yet an amount of Rs.40,000/- has been awarded to him on account of loss of consortium.

Notice of motion to that extent only, for 28.01.2022."

3. Learned counsel for the appellants has candidly admitted that

though the challenge was laid by the owner and driver of the offending vehicle i.e. appellants herein to the award dated 26.11.2019 passed by the Tribunal however, this Court entertained the appeal only to a limited extent that the father was awarded ₹40,000/- towards loss of consortium. Learned counsel for the appellants would contend that the father is not entitled to any amount under the head 'loss of consortium' as he has not been held entitled for compensation.

4. *Per contra* learned counsel for the respondents would contend that despite the father not having been held entitled to the compensation, the father would be entitled to loss of consortium. In support of his argument learned counsel for the respondents has relied upon the judgment of the Hon'ble Supreme Court in the case of **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]**.

5. Heard.

6. In the present case, notice of motion was issued only to a limited extent as to whether father was entitled to the compensation under the head 'loss of consortium'. Hon'ble Supreme Court in the case of **Magma General Insurance Company Limited** (supra) has held as under :

“8.7 A Constitution Bench of this Court in Pranay Sethi (supra) 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. **Rajesh and Ors. vs. Rajbir Singh and Ors. (2013) 9 SCC 54***

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, cooperation, affection, and aid of the other in every conjugal relation.”

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.”

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.

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.

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 count⁵. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of Filial Consortium.

The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under 'Loss of Consortium' as laid down in Pranay Sethi (supra).

In the present case, we deem it appropriate to award the father and the sister of the deceased, an amount of Rs. 40,000 each for loss of Filial Consortium."

7. In view of the law laid down by the Hon'ble Supreme Court in

the case of **Magma General Insurance Company Limited** (supra), the father has rightly been held entitled to ₹40,000/- on account of loss of consortium.

8. In view of the above, the present appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

01.12.2025

jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO