

FAO-3874-2019

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2025:PHHC:152594



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1.

FAO-3874-2019

Reena and others

... Appellants

Versus

Vishal and others

... Respondents

2.

FAO-3876-2019

Baljinder Singh (since deceased) through his LRs

... Appellant

Versus

Vishal and others

... Respondents

Date of decision : 06.11.2025

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

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

VIKAS BAHL, J.(ORAL)

1. The present order shall dispose of two FAOs, i.e., FAO-3874-
2019 and FAO-3876-2019 as both the first appeals have been filed against



the same award dated 02.11.2018 and in both the cases, prayer is for enhancement of compensation.

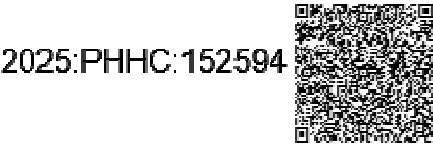
2. FAO-3874-2019 has been filed by the widow and two minor children of deceased Musleen Khan, who had died in a motor vehicle accident on 10.03.2017. The claimants-appellants had filed MACT petition no.206 of 2017 in which compensation awarded to the appellants was Rs.44,88,775/- along with interest at the rate of 7.5% per annum.

3. FAO-3876-2019 is being pursued by the widow and minor daughter of deceased Baljinder Singh. Initially Baljinder Singh through his wife had filed the MACT petition no.272 of 2017 with respect to injuries suffered by said Baljinder Singh in the motor vehicular accident which took place on 10.03.2017 and subsequently after the death of Baljinder Singh, the claim petition was amended to seek compensation for his death. In the said case, compensation awarded to the appellants was Rs.21,02,331/- along with interest at the rate of 7.5% per annum.

4. The only issue which arises in the present two appeals is whether the appellants in both the cases are entitled to enhanced compensation or not as other aspects have not been disputed before this Court.

FAO-3874-2019

5. Learned counsel for the appellants has submitted that as far as FAO-3874-2019 is concerned, the appellants are entitled to consortium for all three claimants as all of them were dependant upon the deceased-



Musleen Khan and an amount of Rs.48,000/- each was required to be awarded on the said account, whereas the Tribunal had awarded only an amount of Rs. 40,000/- to the wife of the deceased. It is further submitted that on accounts of loss of estate and funeral expenses, only an amount of Rs.15,000/- each had been awarded by the Tribunal, whereas as per settled law, the appellants are required to be awarded Rs.18,000/- each and thus on the said accounts, the present appellants are entitled to enhanced amount of Rs.1,10,000/-. It is further submitted that the additional amount of compensation be awarded 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 cases titled as *Sarla Verma (Smt.) and others Vs. Delhi Transport Corporation and another* reported as (2009) 6 SCC 121, *National Insurance Company Limited Vs. Pranay Sethi and others* reported as (2017) 16 SCC 680, and *Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram and others* reported as (2018) 18 SCC 130.

6. Learned counsel for the appellants has submitted a chart in FAO-3874-2019, which is reproduced hereinbelow:-

“FAO/3874/2019		ENHANCEMENT CLAIMED
INCOME	-	22,732
AGE	-	36
(MULTIPLIER)		(15)
DEDUCTION -	¼	
FUTURE PROSPECT	50%	
		<u>44,18,775</u>
CONSORTIUM TO WIFE – 40,000		CONSORTIUM TO WIFE – 48,000



LOSS OF ESTATE	-15,000	PARENTAL CONSORTIUM-	48,000
		TO MINOR CHILD	
FUNERAL EXPENSES-	15,000	-DO-	- 48,000
	<u>70,000</u>	LOSS OF ESTATE	- 18,000
		FUNERAL	-18,000
			<u>1,80,000</u>
TOTAL	44,88,775	TOTAL ENHANCEMENT	<u>1,10,000”</u>

7. Learned counsel for respondent no.3, on the other hand, has submitted that the interest sought on the additional amount at the rate of 9% per annum is highly excessive and the highest rate of interest which can be granted to the present appellants for the enhanced compensation is 6% per annum. It is further pointed out that there was a delay of 82 days in filing the appeal and as per order dated 29.10.2025, while condoning the delay, the appellants had stated that they would not claim interest for the said period. The order dated 29.10.2025 which has been highlighted by the learned counsel for respondent no.3, is reproduced hereinbelow:-

“Present:- Mr. Navmohit Singh, Advocate
for the appellants.

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

CM-13221-CII-2019 in FAO-3874-2019 and
CM-13226-CII-2019 in FAO-3876-2019

Present applications have been filed under Section 5 of the Limitation Act for condonation of delay of 82 days in filing the present appeals.

Learned counsel for the appellants has submitted that for the period of 82 days, the appellants would not claim any interest and has prayed that the said delay be condoned.

For the reasons mentioned in the applications, which are duly supported by affidavits as well as on account of the fair statement



made on behalf of the appellants, the present applications are allowed and the delay of 82 days in filing the present appeals is hereby condoned.

As stated before this Court, the appellants would not claim interest for the said period of 82 days.

*FAO-3874-2019 and
FAO-3876-2019*

Inter alia, contends that in the present set of cases, the only claim made by the claimants is with respect to consortium.

At this stage, notice of motion be issued to respondent No.3 only.

Mr. Punit Jain, Advocate, appears and accepts notice on behalf of respondent No.3.

Adjourned to 06.11.2025.

To be shown in the urgent list.

A photocopy of this order be placed on the file of other connected case.

October 29, 2025”

8. Learned counsel for respondent no.3 has further argued that in the present case, the Tribunal had even awarded the benefit of 50% while calculating future prospects although it cannot be stated that the deceased Musleen Khan had any permanent job. It is submitted that on the said aspect, maximum 40% for future prospects should have been awarded and thus, the said amount deserves to be reduced.

9. Learned counsel for the appellants, in rebuttal, has submitted that as is apparent from paragraph 45 of the award of the Tribunal, the Tribunal had taken into consideration the fact that the deceased was a Shift Engineer in Property and Assessed Manager, Mohali and was earning Rs.25,000/- per month and also was a diploma holder in Electrical Engineering and further PW-7 Rajeev Guleria who was Facility Engineer,



Jones Lang Lasalle, Building Operations Pvt. Ltd. Mohali, had brought the salary and service record of Musleen Khan which showed that the deceased was employed in the company as Shift Engineer since 21.04.2014 and had been regularly working since then. It is further submitted that from the said documents and evidence, it is apparent that the deceased was doing a permanent job and thus, the benefit of 50% of actual salary in determining future prospects had been rightly awarded. It is also submitted that the said finding is not perverse and is in accordance with law. It is submitted that the award was passed in the year 2018 and no cross appeal has been filed by the insurance company and thus, the arguments raised by the learned counsel for respondent no.3-insurance company deserves to be rejected.

10. This Court has heard learned counsel for the parties and has perused the paper book and has also considered the said chart and the same has been found to be in accordance with law.

11. Hon'ble the Supreme Court in para 42 of ***Sarla Verma's case*** (Supra) had observed as under:-

*“We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, **M-15 for 36 to 40 years**, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for*

2025:PHHC:152594



every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.”

A perusal of the above would show that for the age of 36 years, multiplier of 15 is to be applied.

12. The Hon’ble Supreme Court in ***Pranay Sethi’s case*** (Supra), has held as under:-

“59. In view of the aforesaid analysis, we proceed to record our conclusions:-

59.1 The two-Judge Bench in Santosh Devi should have been well advised to refer the matter to a larger Bench as it was taking a different view than what has been stated in Sarla Verma, a judgment by a coordinate Bench. It is because a coordinate Bench of the same strength cannot take a contrary view than what has been held by another coordinate Bench.

59.2 As Rajesh has not taken note of the decision in Reshma Kumari, which was delivered at earlier point of time, the decision in Rajesh is not a binding precedent.

59.3 While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.

59.4 In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years.

2025:PHHC:152594



An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.

59.5 For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paragraphs 30 to 32 of Sarla Verma which we have reproduced hereinbefore.

59.6 The selection of multiplier shall be as indicated in the Table in Sarla Verma read with paragraph 42 of that judgment.

59.7 The age of the deceased should be the basis for applying the multiplier.

59.8 Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.

60. The reference is answered accordingly. Matters be placed before the appropriate Bench.”

A perusal of the above judgment would show that it was observed by the Hon’ble Supreme Court that addition of some percentage of the actual salary to the income of the deceased towards future prospects was also required to be taken into consideration and the said percentage was specifically defined with respect to persons who were having a permanent job or/were self-employed.



13. The Hon'ble Supreme Court in ***Magma General Insurance Company Limited's case (Supra)*** had further 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

2025:PHHC:152594



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.

24. 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

2025:PHHC:152594



the father and the sister of the deceased, an amount of Rs.40,000 each for 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.

14. The chart produced by the learned counsel for the appellants is in accordance with law and deserves to be upheld. There are three claimants in the present case i.e., wife and two minor children and they were all dependant upon the deceased and thus, as per settled law, an amount of Rs. 48,000/- each was required to be awarded on account of loss of consortium, whereas the Tribunal had only awarded Rs.40,000/- on the said count. Even on accounts of loss of estate and funeral expenses, the amount awarded by the Tribunal is Rs.15,000/- each whereas as per settled law, the amount that is required to be paid to the appellants is Rs.18,000/- each and thus, the present appellants are entitled to an additional amount of Rs.1,10,000/-. With respect to the rate of interest, this Court is consistently awarding the rate of interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

15. The objection raised on behalf of respondent no.3-insurance company to the effect that grant of benefit of 50% of actual salary for future prospects is not in accordance with law, deserves to be rejected. It would be relevant to note that the present award was passed on 02.11.2018 granting

2025:PHHC:152594



the said benefit to the appellants and no cross appeal has been filed by the insurance company. The Tribunal had minutely considered the documents on record and had given the said benefit. Paragraphs 45, 46 and 47 of the award which are relevant for consideration, are reproduced hereinbelow:-

“45. PW2 Reena stated that deceased Musleen was Shift Engineer in Property and Assessed Manager, Mohali, earning Rs.25,000/- per month. As per Ex.P104 and Ex.P102 he was diploma holder in Electrical engineering. PW-7 Rajeev Guleria, Facility Engineer, Jones Lang Lasalle, Building Operations Pvt. Ltd. Mohali brought the salary and service record of Musleen Khan and stated that deceased Musleen Khan was employed as Shift Engineer in their company since 21.4.2014; that he was getting gross salary of Rs.22,732/- and his net carry home salary was Rs.21,407/- after deduction of provident fund of Rs.1320/- and welfare fund Rs.05/-. He proved salary slips Ex.P87 to Ex.P89 of deceased for the months January to March 2017 and annual salary certificate Ex.P90. In view of Manasvi Jain vs. Delhi Transport Corporation, 2014 (3) PLR 528 (P&H); Harbhajan Kaur vs. State of Haryana, 2009 (1) PLR 203 (P&H); Raghubir Singh Matolya and others vs. Hari Singh Malviya and others, 2009 ACJ 1580 (SC) and Anand Bahadur Singh and another vs. Kamta Prasad Vishwakarma and another, 2009 ACJ 1583 (M.P.) no deduction is to be made from the salary towards GPF, life insurance premium, repayment of loan, house rent, CCA, bonus, Dearness Allowance, conv. allowance, medical etc. Monthly gross salary of the deceased as per Ex.P87 to Ex.P89 was under:-

Ex.P87 (for the month of January 2017) : Rs.22,732/-

2025:PHHC:152594



Ex.P88 (for the month of February 2017) : Rs.22,732/-

Ex.P89 (for the month of January 2017) : Rs.7,332/- (for ten days only).

Relevant salary last drawn by the deceased is of the month of February 2017. Thus, the monthly income of deceased is assessed at Rs.22,732/-, which comes to Rs.2,72,784/- per annum.

46. In National Insurance Company Ltd. vs. Pranay Sethi and others, Special Leave Petition (Civil) No.25590 of 2014, decided on 31.10.2017, Hon'ble Supreme Court has observed as under:-

"While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax."

47. Making an addition of 50% in the income of deceased, monthly income of deceased comes to Rs.34,098/-. The annual income thus, works out to Rs.4,09,176/- (Rs.34,098 x 12). After deducting income tax of Rs.16,396/-, the total annual income of deceased comes to Rs.3,92,780/- per annum."

A perusal of the above would show that it was duly proved on record that the deceased Musleen Khan was a Shift Engineer in Property



and Assessed Management, Mohali and was earning a handsome salary and was even proved to be a diploma holder in Electrical Engineering and documents proving the said fact were duly exhibited. Importantly PW-7 Rajiv Guleria, who was stated to be Facility Engineer, Jones Lang Lasalle, Building Operations Pvt.Ltd. Mohali, had brought the salary and service record of the deceased Musleen Khan and had proved on record that the deceased was employed as Shift Engineer in their company since 21.04.2014 and had also proved the salary slips Ex.P87 to Ex.P89 and the annual salary certificate Ex.P90 and also the fact that the deceased was getting gross salary of Rs.22,732/- and his net carry home salary was Rs.21,407/-. The accident had taken place on 10.03.2017 and thus, it is apparent that from April, 2014 till March 2017, the deceased was working as Shift Engineer. The finding on the said aspect has not been shown to be perverse or illegal or against the record. In the said circumstances, it cannot be said that the deceased was not having a permanent job and thus, the Tribunal had rightly, while relying upon the judgment of the Hon'ble Supreme Court in the case of *National Insurance Company Ltd. vs. Pranay Sethi and others (supra)*, granted an addition of 50% of actual salary to the income of the deceased while determining the amount on account of future prospects. The said finding does not call for any interference and deserves to be upheld and is accordingly upheld.

FAO-3876-2019

16. As has been stated hereinabove, in the present case, the only



issue is regarding the payment of additional compensation.

17. Learned counsel for the appellants has submitted that in the present case, the amount awarded on account of loss of consortium to the extent of Rs.40,000/- is on the lower side, inasmuch as, there are two claimants i.e., wife and minor child who were dependant upon the deceased and thus, an amount of Rs.48,000/- each was required to be awarded on the account of loss of consortium to both the claimants. It is submitted that even on accounts of loss of estate and funeral expenses, the amounts which have been awarded are on the lesser side, whereas the amount that should have been awarded on both the said counts is Rs.18,000/- each. The chart prepared by the learned counsel for the appellants is reproduced hereinbelow:-

“FAO/3876/2019		ENHANCEMENT CLAIMED	
INCOME	- 8300		
AGE	- 30		
(MULTIPLIER)	(16)		
DEDUCTION	- ¼		
FUTURE PROSPECT	40%		
	<u>16,73,280</u>		
MEDICAL BILL	- 3,59,051		
CONSORTIUM TO WIFE – 40,000		CONSORTIUM TO WIFE – 48,000	
		PARENTAL CONSORTIUM- 48,000	
		TO MINOR CHILD	
LOSS OF ESTATE	-15,000	LOSS OF ESTATE	- 18,000
FUNERAL	- 15,000	FUNERAL	18,000
TOTAL	21,02,231		<u>1,32,000</u>
		TOTAL ENHANCEMENT 62,000”	

18. Learned counsel for the appellants has submitted that the



appellants are entitled to an additional compensation of Rs.62,000/- along with interest at the rate of 9% per annum.

19. Learned counsel for respondent no.3, on the other hand, has referred to the order dated 29.10.2025 passed by this Court, vide which notice of motion was issued and has highlighted the fact that since there was a delay of 82 days in filing the appeal, thus, as per the statement made at the time of condoning the delay, the interest for the above said period of 82 days is not to be given to the appellants. It is further submitted that the interest sought at the rate of 9% per annum for the enhanced compensation is highly excessive and the highest rate of interest which can be granted to the present appellants for the enhanced compensation is 6% per annum.

20. The order dated 29.10.2025 which is highlighted by learned counsel for respondent no.3 is reproduced hereinabove.

21. This Court has heard learned counsel for the parties and has perused the paper book and has also considered the said chart and the same has been found to be in accordance with law.

22. Since there are two claimants i.e., widow and minor child, who were both dependent upon the deceased, thus, the appellants have rightly claimed an amount of Rs.96,000/- (Rs.48,000/- each) on account of loss of consortium. Even the amount claimed on accounts of loss of estate and funeral expenses i.e., Rs.18,000/- each is in accordance with settled law. The appellants in FAO-3876-2019 are thus held entitled to additional amount of compensation of Rs.62,000/- along with interest at the rate of



7.5% per annum.

RELIEF

23. Keeping in view the above said facts and circumstances, the abovesaid FAO-3874-2019 is partly allowed and the impugned award dated 02.11.2018 is modified and respondent no.3 is directed to pay additional compensation of Rs.1,10,000/- to the appellants along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation after subtracting 82 days, within a period of six weeks from today. FAO-3876-2019 is also partly allowed and the impugned award dated 02.11.2018 is modified and respondent no.3 is directed to pay additional compensation of Rs.62,000/- to the appellants along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation after subtracting 82 days, within a period of six weeks from today.

(VIKAS BAHL)
JUDGE

November 06, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No