



FAO No.645 of 2020 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO No.645 of 2020 (O&M)
Date of decision: November 17th, 2025

Mayapati

...Appellant

Versus

Jaibir and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Abhimanyu Kalsi, Advocate
for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. Mother of deceased-Sukhbir has filed the present appeal for enhancement. The father, for whose benefit also the appeal has been filed, has been shown as respondent No.4. The Motor Accidents Claims Tribunal vide award dated 03.09.2019 had awarded compensation of ₹11,42,832/- along with interest to the appellant and respondent No.4. The only issue in the present case is as to whether the appellant and respondent No.4 are entitled to additional compensation or not as the other aspects have not been disputed before this Court.

2. Learned counsel for the appellant has submitted that in the present case, on accounts of loss of estate and funeral expenses, the Tribunal has awarded only an amount of ₹15,000/- each, whereas as per



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settled law, an amount of ₹18,000/- each should have been awarded on the said two accounts. It is further submitted that although the deceased has left behind his father and mother but no amount has been granted on account of filial consortium and an amount of ₹48,000/- each (total ₹96,000/-) is required to be paid on the said account. Learned counsel for the appellant has submitted that thus, the appellant is entitled to an additional amount of ₹1,02,000/-. It is submitted that the said amount be granted by paying interest at the rate of 9% per annum.

3. Learned counsel for respondent No.3-Insurance Company, on the other hand, has submitted that the rate of interest claimed by the appellant on the enhanced amount is highly excessive and the highest rate of interest that can be granted is 6% per annum.

4. Learned counsel for the appellant in view of the objection raised by learned counsel for respondent No.3 has submitted a revised chart, which is reproduced hereinunder:

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APPELLANT : PARENST OF DECEASED

DATE OF ACCIDENT 18.10.2017

NATURE OF CASE: DEATH CASE

AGE OF INJURED : 33 YEARS

DRIVING LICENSE/ROUTE PERMIT/INSURANCE:

XXXX

DETAILS OF RELIEF GRANTED/CLAIMED



Details	BEFORE THE TRIBUNAL	COMPENSATION CLAIMED
Income	Monthly: 8280RS YEARLY : 99,360 Rs	Monthly: 8280RS YEARLY : 99,360 Rs
Deduction	50%	50%
Future Prospects	40%	40%
Multiplier	16	16
Lost of estate	15,000	18,000
Funeralexpenses	15,000	18,000
Filial Consortium	----	48,000 each
Total compensation	11,42,832	12,44,832
Interest	8%	7.5%

5. 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

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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,



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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 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.

6. This Court has considered the revised chart and finds that the revised chart is in accordance with law. The appellant is entitled to an amount of ₹18,000/- each on accounts of loss of estate and funeral expenses



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as per settled law and the amount awarded by the Tribunal is on the lesser side. Since there are two claimants in the present case i.e. the mother and the father, thus, they are entitled to ₹96,000/- (₹48,000/- each) as filial consortium, whereas no such amount had been awarded by the Tribunal. This Court has been repeatedly granting interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

7. Keeping in view the abovesaid facts and circumstances and the joint prayer made by the learned counsel for appellants and learned counsel for respondent No.3, the present appeal is partly allowed and the award dated 03.09.2019 passed by the Motor Accidents Claims Tribunal is modified and respondent No.3-Insurance Company is directed to pay an additional amount of ₹1,02,000/- 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.

8. Pending application if any stands disposed of.

November 17th, 2025
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: No