2026:PHHC:069884

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(120)

CM-8830-CII-2026 in/and
FAO-1435-2024 (O&M)
Date of decision:- 05.05.2026

Rano and another

...Appellants

Versus

Varinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Chetan Goyal, Advocate,
for the appellants.

Mr. Vinod Gupta, Advocate, and
Mr. Mayank Gupta, Advocate,
for respondent No.3-Insurance Company.

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<u>VIKAS BAHL, J. (ORAL)</u>

<u>CM-8830-CII-2026</u>

Present application has been filed under Order 41 Rule 19 read with Section 151 CPC for restoration of the above-mentioned appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. The order dated 12.03.2026 is recalled and the main appeal is restored to its original number.

<u>CM-5673-CII-2024</u>

This is an application filed under Section 5 of the Limitation

Act, 1963 for condonation of delay of 418 days in filing the present appeal.

For the reasons stated in the application, the same is allowed and the delay of 418 days in filing the present appeal is condoned.

FAO-1435-2024

1. The parents of the deceased-Satnam Singh have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, Patiala, vide award dated 28.10.2022 had awarded compensation of Rs.15,27,334/- along with interest on account of death of Satnam Singh, which took place in a motor vehicular accident. The only issue which arises for consideration in the present appeal is as to whether the present appellants are entitled to enhancement of 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, the monthly income of the deceased was taken as Rs.9,192/-, whereas, the minimum wages of an unskilled worker at the relevant time was Rs.9,542/- per month. It is further submitted that thus, an amount on account of income and future prospect would increase. It is stated that the said increase be paid to the appellants along with interest @ 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 ***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***.

3. Learned counsel appearing for respondent No.3-Insurance

Company, on the other hand, has submitted that on account of loss of estate, an amount of Rs.33,000/- had been awarded to the appellants, whereas, the highest amount that can be awarded under the said head is Rs.16,500/-. It is further submitted that the rate of interest which is sought to be claimed by the appellants is highly excessive and at best the interest that can be awarded on the additional compensation is 6% per annum.

4. Learned counsel for the appellants, in view of the objections raised on behalf of respondent No.3-insurance company, has submitted a revised chart and the same is reproduced herein below:-

"Rano and A Rano and Anr. .....Appellants

Versus

Varinder Singh and Ors. ...Respondents

APPELLANT: CLAIMANTS-PARENTS OF THE DECEASED
DATE OF ACCIDENT: 12/03/2022
NATURE OF CASE: DEATH
AGE OF DECEASED: 18 YEARS
INSURANCE: National Insurance Company Limited

DETAILS OF RELIEF GRANTED/CLAIMED

DETAILS	*BEFORE THE TRIBUNAL*	*COMPENSATION CLAIMED BEFORE HON'BLE COURT*
INCOME	***MONTHLY:*** *Rs.9192/-* ***ANNUAL:*** *9192 x 12= Rs.1,10,304*	***MONTHLY:*** *Rs.9542/-* ***ANNUAL:*** *9542 x 12= Rs. 1,14,504/-* *As per minimum wages applicable for the relevant period. w.e.f 01.03.2022*

FUTURE PROSPECTS	*40% of annual income=Rs.44121.6/-*	*40% of annual income Rs.45,801/- 114504+45801=1,60,305*
DEDUCTION	*½ i.e. 77212*	***1/2 i.e. 80,152 (SAME)***
MULTIPLIER	*18*77213 = 13,89,834/-*	***18 (SAME)*** *80,152****18 = Rs.14,42,750/-***
LOSS OF ESTATE	*Rs.33000/-*	***Rs.16500/- i.e. 14,59,250.4 (CORRECTION)***
		As per National Insurance Company Limited v. Pranay Sethi, (SC)
FUNERAL EXPENSES		***Rs.16500/- i.e. 14,75,750 (SAME) As per Pranay Sethi, (SC)***
LOSS OF CONSORTIUM	*(Rs.40,000 X 2) Rs.80,000 + 10% increase = Rs.88,000/-*	*(Rs.44,000 X 2) Rs.88,000/-* ***(SAME) i.e. As per Pranay Sethi, (SC)***
TOTAL COMPENSATION	***Rs.15,27,334/-***	***Rs.15,63,750/-***
DIFFERENCE	***15,63,750 – 15,27,334 = Rs.36,416/-***	
INTEREST	***@ 6% PER ANNUM***	

5. This Court has considered the arguments raised on behalf of both the parties and has gone through the paper-book and also the revised chart produced by the learned counsel for the appellants and is of the opinion that the amount of enhancement claimed in the revised chart is in accordance with law and deserves to be approved.

6. 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. 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."*

7. 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.

8. 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 and 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.*
>
> *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."*

9. 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.

11. A perusal of the above-said revised chart would show that the appellants have rightly taken into consideration the monthly income of the deceased as Rs.9,542/- as it is not in dispute that the same was the minimum wages applicable to an unskilled worker at the relevant time. The amount on account of monthly income as well as the future prospects has thus been rightly increased. Learned counsel for the appellants has fairly reduced the amount on account of loss of estate in view of the objection on behalf of the respondent no.3. Thus, the appellants are held entitled to an additional amount of Rs.36,416/-, as detailed in the revised chart. With respect to interest, this Court is consistently awarding rate of interest @ 7.5% per annum on the enhanced amount of compensation, which rate of interest is also reasonable in the present case.

12. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the impugned award dated 28.10.2022 is modified and respondent No.3-Insurance Company is directed to pay an

additional amount of compensation to the tune of Rs.36,416/- to the appellants/claimants along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of actual payment within a period of six weeks from today.

May 05, 2026 **(VIKAS BAHL)**
naresh.k **JUDGE**

Whether speaking/reasoned:- Yes
Whether reportable:- No