

2026:PHHC:049164



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(150)

FAO-3823-2024
Date of decision:- 30.03.2026

Memuna and another
Sattar and others

Versus

...Appellants
...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kunal Phogat, Advocate
for Mr. Ashish Gupta, Advocate
for the appellants.

Mr. Nigam K. Bhardwaj, Advocate
for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. Parents of deceased-Rahul have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, Nuh, vide award dated 05.03.2024 had awarded the compensation of Rs.14,30,800/- along with interest on account of death of Rahul, which took place in a motor vehicular accident on 14.03.2020. 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 other aspects have not been disputed before this Court.
2. Learned counsel for the appellants has submitted that in the present case, the deceased was a minor and the Tribunal had taken the notional

income of the deceased as Rs.9,000/- per month. It is further submitted that this Court in case *FAO-1520-2024* titled as “*Sharvan Kumar and another Vs. Ravinder and others*”, decided on 23.03.2026, after taking into consideration the judgments passed by the Hon'ble Supreme Court had held that in the case of a minor, the minimum wages payable to a skilled worker at the time of the accident is to be taken into consideration for the purpose of assessing monthly income. It is stated that the monthly income of a skilled worker at the relevant time in the State of Haryana was Rs.10,788/- and thus, the said amount should be taken as the monthly income in the present case also. It is submitted that on account of loss of estate and funeral expenses, the benefit of 10% increase after three years has not been granted and thus, an amount of Rs.16,500/- each on the said accounts should be granted instead of Rs.15,000/- each. It is further submitted that since there were two claimants, thus, to each of the claimants, an amount of Rs.48,000/- was required to be granted on account of loss of consortium, whereas, only an amount of Rs.40,000/- had been granted on the said account. It is submitted that thus an additional compensation of Rs.3,29,345/- is to be paid to the appellants and interest @ 9% per annum be given. In support of his arguments, learned counsel for the appellants has further 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*.

3. The chart showing the details of the claim, as submitted by the

learned counsel for the appellants, is reproduced herein below:-

<i>“FAO NO.3823/24</i>	<i>Enhancement</i>
<i>Date of accident: 14/3/20</i>	
<i>Age – 17 years 8 months</i>	
<i>Income – 9000</i>	<i>10788</i>
<i>Dependent – Two</i>	<i>Two</i>
<i>Future Prospects – 40%</i>	<i>40%</i>
<i>Deduction – 50%</i>	<i>50%</i>
<i>Loss of Estate – 15000</i>	<i>16500</i>
<i>Funeral – 15000</i>	<i>16500</i>
<i>Consortium – 40,000</i>	<i>48000 x 2 = 96000</i>
	<i>10788 x 12 x 18 + 40% = 1631145</i>
<i>Total :</i>	<i>1631145 + 33000 + 96000 = 1760145</i>
	<i>1760145 – 1430800 = 329345</i>
<i>Enhancement -</i>	<i>329345 + (Interest)</i>

*Ashish Gupta Advocate
for claimants.”*

4. Learned counsel appearing for respondent No.3-Insurance Company, on the other hand, has 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 should be 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 chart produced by the learned counsel for the appellants and is of the opinion that the amount of enhancement claimed in the chart is in accordance with law and deserves to be approved, except the rate of interest which is claimed by the appellants.
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. 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."

8. 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.

9. This Court in the case of *Sharvan Kumar (supra)* after taking into consideration the law laid down by the Hon'ble Supreme Court in the case of "*Baby Sakshi Greola Vs. Manzoor Ahmad Simon and another*", *reported as 2025(1) RCR (Civil) 238* as well as in the case of "*Karuna Parmar Vs. Prakash Sinha and others and other connected matters*", *reported as 2025 INSC 1244* had observed that in the case of a child/minor, the notional income is not to be taken into consideration and instead the minimum wages payable to a skilled worker at the time of the accident, in the concerned State is to be taken into consideration for the purpose of assessing the monthly income. The relevant part of the said judgment is reproduced as under: -

"6. The first issue which requires consideration is as to what amount could be assessed as monthly income of the deceased who was admittedly three years of age at the time of accident. The Tribunal had taken yearly income of the deceased as Rs.50,000/- while assessing the compensation. The Hon'ble Supreme Court in the case of Karuna Parmar (Supra), while examining the case of a six years old child and after taking

*into consideration the law laid down in the case of **Baby Sakshi Greola** (Supra), had observed that while assessing the income, the minimum wages payable to a skilled workman, in the concerned State, is required to be taken into consideration in the case of a deceased child, as the deceased child would be able to earn the same on becoming a major. Relevant portion of the said judgment is reproduced hereinbelow:-*

“Deceased Child

14. *Coming to the case of the deceased child, we are not inclined to accept the reasoning of the Tribunal on the yearly income. Recently, in **Baby Sakshi Greola v. Manzoor Ahmad Simon and Another 2024 SCC Online SC 3692**, J. B.R. Gavai, writing for the bench, has elaborated that:*

"29. This Court in the case of Kajal (supra) has held that taking notional income is not the correct approach. Instead, the minimum wages payable to a skilled workman in the concerned State has to be taken into consideration because, that would be the minimum amount which she would have earned on becoming a major. In this case, the minimum wage payable to a skilled workman in the State of Delhi at the time of the accident, i.e., 2nd June 2009, was Rs. 4,358/- per month."

(Emphasis supplied)"

10. In the present case, it is not in dispute that the minimum wages payable to a skilled worker at the relevant time was Rs.10,788/-, thus, the said figure should be assessed as the monthly income of the deceased. The amount on account of loss of estate and funeral expenses is required to be taken as Rs.16,500/- each as per settled law instead of Rs.15,000/- each. Admittedly, there are two claimants and thus, a total amount of Rs.96,000/- (48,000 x 2) is required to be granted to the appellants on account of loss of consortium, whereas, the Tribunal had only awarded an amount of Rs.40,000/- on the said account. Accordingly, the appellants/claimants are held entitled to an additional amount of Rs.3,29,345/-. 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.

11. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the impugned award dated 05.03.2024 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.3,29,345/- 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, in the same proportion as has been directed in the award.

March 30, 2026
naresh.k

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes
Whether reportable:-	Yes