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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-909-2020 (O&M)
Date of decision: 07.05.2026

Geeta and another ...Appellants

Versus

Tayab Khan and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

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

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VIKAS BAHL, J. (ORAL)

1. Parents of the deceased-Kartik have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal vide award dated 06.11.2019 had awarded an amount of compensation of Rs.4,50,000/- to the claimants along with interest on account of death of Kartik which had occurred in a motor vehicular accident which took place on 27.11.2017. The only issue that arises for consideration before this Court is whether the appellants are entitled to additional compensation or not as other aspects are not being disputed.

2. Learned counsel for the appellants has submitted that in the present case, the Tribunal had awarded lumpsum amount of Rs.4,50,000/- without taking into consideration the monthly income of the deceased. It is submitted that the deceased was 8 years of age at the time of accident and as per the law laid down by the Hon'ble Supreme Court in case titled as "***Baby Sakshi Greola Vs. Manzoor Ahmad Simon & Anr.***", reported as ***2025(1) RCR (Civil) 238***, the income of the deceased is required to be taken as the

minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises. It is submitted that at the relevant time, the minimum wages payable to a skilled workman was Rs.9994/- per month and the said amount should have been taken as the salary of the deceased. It is further pointed out that the benefit of 40% future prospects is also required to be given. It is argued that on account of loss of consortium, no amount has been paid to the parents, whereas an amount of Rs.80,000/- (40,000 x 2) was required to be paid to the appellants, as it is settled preposition of law that all the claimants are required to be paid a specific amount on account of loss of consortium. It is further submitted that even on accounts of loss of estate and funeral expenses, an amount of Rs.15,000/- each is required to be awarded to the appellants. It is submitted that the enhanced amount of compensation 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 since the appellants are claiming the amount on the basis of structured formula, thus, as per settled preposition of law laid down in ***Pranay Sethi's case*** (supra) and also in view of the fact that the deceased was a bachelor, 50% of the salary should be deducted on account of personal expenditure. 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, after taking into consideration the objections raised on behalf of respondent No.3-insurance company, has submitted a revised chart and the same is reproduced herein below:-

"GEETA & ANR. VS. TAYAB KHAN & ORS.
DOA:27.11.2017

		MACT	*HON'BLE HC*
I)	*Monthly Income*	*30000 per annum notional income*	*9994 per month*
II)	*Future Prospects*	*---*	*40%*
III)	*Personal deduction*	*---*	*50%*
IV)	*Multiplier*	*15*	*15*
V)	*Loss of Estate*	*NIL*	*15000*
VI)	*Funeral Expenses*	*NIL*	*15000*
VII)	*Consortium to parents*	*NIL*	*80000*
	Total	*Lumpsum 4,50,000*	*13,69,244*

Enhancement/Difference = 9,19,244
+Interest @ 7.5% on enhanced amount

Sd/-
Wazir Singh
Advocate for appellants"

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. It would be relevant to note that the counsel has inadvertently mentioned monthly income awarded by the Tribunal to be Rs.30,000/- per annum and multipier to be '15' whereas there is no such finding and in fact, lumpsum amount of Rs.4,50,000/- has been awarded to the appellants. Learned counsel for the appellants has fairly submitted that same have been mentioned erroneously.

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.

10. The Hon'ble Supreme Court in ***Baby Sakshi Greola*** ***(supra)*** was pleased to observe that while assessing the compensation for a child, who was not engaged in gainful employment at the time of the accident, the computation of compensation under the head of loss of income ought to be made by adopting, at the very least, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises.

11. In the present case, it is not in dispute that the deceased was 8 years on the date of accident and the minimum wages payable to a skilled workman admittedly on the relevant date was Rs.9994/- per month and thus, the plea raised by the appellants to claim the said amount as monthly income is meritorious. As per settled law, 40% on account of future prospects is also required to be added to the said income and 50% is required to be deducted from the same as the deceased was a bachelor and the said aspects have not been disputed before this Court. In the revised chart, multiplier as well as amount on account of loss of consortium have been rightly claimed. Accordingly, the appellants are held entitled to an additional amount of Rs.9,19,244/- 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 06.11.2019 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.9,19,244/- 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.

13. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

07.05.2026 **(VIKAS BAHL)**
Pawan **JUDGE**

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