



117

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. FAO-1487-2024
Date of decision: 01.10.2025

Santosh and others

...Appellants

Versus

Papinder @ Pushpender (deceased) through his LRs and others

...Respondents

2. FAO-1438-2024
Date of decision: 01.10.2025

Sanjay Kumar

...Appellant

Versus

Papinder @ Pushpender (deceased) through his LRs and others

...Respondents

3. FAO-1352-2024
Date of decision: 01.10.2025

Aditi minor through her mother being natural guardian Smt. Poonam

...Appellant

Versus

Papinder @ Pushpender (deceased) through his LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sudhir Rana, Advocate and
Mr. Ankush Duhan, Advocate and
Mr. Virender Ahlawat, Advocate for the appellants.
(In all the cases)

Mr. Punit Jain, Advocate for the Insurance Company.
(In all the cases)

VIKAS BAHL, J. (ORAL)

1. The present order would dispose of three appeals. First appeal



being FAO-1487-2024 which has been filed by widow and two daughters of deceased Rajender Kumar who had died in a motor vehicular accident which had taken place on 08.02.2019. Prayer has been made by the claimants for enhancement of the amount of compensation and thus, challenge has been made to the award dated 05.01.2023 with respect to MACP-519-2019 to the said extent. FAO-1438-2024 has been filed by the injured-Sanjay Kumar/claimant also seeking enhancement of the amount of compensation. Common award dated 05.01.2023 passed in MACP-517-2019 has also been challenged to the said extent in the present appeal. FAO-1352-2024 has been filed by the injured/claimant/Aditi in which also prayer for enhancement of the amount of compensation has been made and challenge has been made to the said extent to the common award dated 05.01.2023 vide which MACP-518-2019 filed by Aditi has been decided.

2. In all the three said cases, the only issue which requires to be adjudicated is as to whether the appellants are entitled to any additional amount of compensation or not. Other aspects have not been disputed before this Court.

3. Learned counsel for the appellants has submitted that with respect to the death of Rajender Kumar, the Tribunal has granted total amount of compensation to the tune of Rs.7,55,000/- which amount is on the lesser side. It is submitted that on account of loss of consortium, only an amount of Rs.40,000/- has been awarded whereas there are three claimants and thus, a total amount of Rs.1,44,000/- (Rs.48000/- x 3) should have been granted on account of loss of consortium. It is further submitted that on account of loss of estate, nothing has been awarded and on account of funeral



expenses, only an amount of Rs.15,000/- has been awarded and the amounts on accounts of loss of estate and funeral expenses should have been awarded to the extent of Rs.18,500/- each. It is submitted that thus, an additional amount of compensation to the tune of Rs.1,25,336/- should be awarded to the appellants in FAO-1487-2024. It is further prayed that the said additional amount of compensation be awarded to the appellants along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation.

4. Learned counsel for the appellant has further submitted that with respect to FAO-1438-2024, compensation awarded to Sanjay Kumar/appellant/claimant for injuries suffered by him to the extent of Rs.9,60,000/- is also on the lesser side, inasmuch as, loss of income has been provided for a period of four months whereas the same should be provided for a period of six months in view of the injuries suffered. It is submitted that on account of pain and suffering, only an amount of Rs.1 lac has been awarded whereas the appellant should have been awarded Rs.2 lacs on the said count. It is further argued that two operations were performed on the appellant and only an amount of Rs.20,000/- has been awarded whereas amount of Rs.50,000/- should have been awarded on the said aspect. It is further pointed out that even the amounts on accounts of attendant charges and special diet to the tune of Rs.8,000/- and Rs.5166/- respectively are on the lesser side and thus, amounts of Rs.50,000/- and Rs.20,000/- respectively on each of the two aspects should be awarded. It is further submitted that nothing has been awarded on account of transportation, whereas appellant-Sanjay Kumar had incurred expenses of Rs.20,000/- on account of



transportation and thus, Rs.20,000/- should have been awarded on account of transportation. It is further prayed that the additional amount of compensation to the tune of Rs.1,26,834/- should be awarded to the appellant along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation.

5. With respect to claim in FAO-1352-2024, learned counsel for the appellant has argued that total amount of compensation awarded to Aditi for the injuries suffered by her is Rs.80,000/- which amount is also highly inadequate. It is submitted that in the case of appellant-Aditi, no benefit of loss of income has been given and thus, at least four months benefit on loss of income should be given. It is argued that on account of pain and suffering, only an amount of Rs.40,000/- has been awarded whereas the appellant is entitled to Rs.80,000/- on the said account. It is submitted that on accounts of expenses on operation, attendant charges and special diet, amounts of Rs.10,000/-, Rs.8000/- and Rs.9170/- respectively have been awarded whereas in each of the said aspects, an amount of Rs.20,000/- should have been awarded to the claimant. It is further prayed that the additional amount of compensation to the tune of Rs.62,000/- should be awarded to the appellant along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation.

6. Learned counsel for the appellants, in support of his arguments, 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.**

7. On the other hand, learned counsel for the Insurance Company has opposed the enhancement as claimed by all the appellants. With respect to the case of Sanjay Kumar, it has been submitted that loss of income has been correctly considered by the Tribunal for a period of four months and there is nothing to show that loss of income should be considered for a period of six months. It is submitted that even the amount of Rs.2 lacs claimed on account of pain and suffering by the appellant-Sanjay Kumar is highly excessive and the highest amount that can be awarded regarding the same is Rs.1,50,000/-. It is argued that the amount claimed on account of expenses incurred in operation to the tune of Rs.50,000/- is highly excessive and the Tribunal has rightly awarded Rs.20,000/- on the said account.

8. With respect to the case of Aditi, learned counsel for the Insurance Company has pointed out that no benefit of loss of income is to be given to the said Aditi and the claim made by the appellant on the said account is baseless. It is submitted that since the present appellant has already claimed amounts on accounts of attendant charges, pain and sufferings etc., thus, the amount as awarded by the Tribunal with respect to special diet is adequate and is in accordance with law.

9. It is further submitted that the rate of interest which is sought to be charged by all the appellants i.e., 9% per annum is highly excessive and the highest rate of interest that can be awarded on the additional amounts of compensation is at best 6% per annum.

10. Learned counsel for the appellants, after taking into



consideration the objections raised on behalf of the Insurance Company, has submitted the revised charts in all the three cases, which are reproduced hereinbelow:-

“IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.
F.A.O. NO. 1487 OF 2024
SANTOSH AND OTHERS
Appellants
V/S
PAPINDER @ PUSHPENDER AND OTHERSRespondents

Name of Deceased	Rajender Kumar
Date of accident	08.02.2019
Age	60years
Occupation	Tailor
Appellants:	3 (widow and 2 daughters)
MACP No.	519 of 2019

Sr. No.	Heads of claim	Tribunal	Proposal At Hon'ble High court
1.	Income (P.M)	8830/-p.m.	8830/-p.m.
2	Add 10% of increase (P.A.)	10%	10%
3.	Deduction	1/3rd	1/3rd
4.	Total Annual Income after deduction and adding future p.a.	77704*9=699,336/-	77704*9=699,336/-
5.	Multiplier	9	9
7.	Loss of Consortium	40000	144000/- (3members)
8.	Loss of estate	Nil	18,500/-
9.	Funeral Expenses	15,000/-	18,500/-
10	Total	755000/-	880,336/-
	Difference Rs.125336/-		

Chandigarh
Date-01.10.2025

Sd/- Sudhir Rana
Advocate

Counsel for the appellants”

“IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. NO. 1438 OF 2024

SANJAY KUMAR

Appellant

V/S

PAPINDER @ PUSHPENDER AND OTHERSRespondents

Name of Injured	Sanjay Kumar
Date of accident	08.02.2019
Age	42 years
Occupation	Tailor
Appellants:	Injured-Sanjay Kumar
MACP No.	517 of 2019

Sr. No.	Heads of claim	Tribunal	Proposal At Hon'ble High court
1.	Income (P.M)	8830/-p.m.	8830/-p.m.
2	Loss of income	8830*4=35320	8830*4=35320
3.	Medical Bills	791514/-	791514/-
4.	Pain and Suffering	100000/-	150000/-
5.	On account of 2 operation	20000/-	20000/-
8	Attendant Charges	8000/-	50000/-
9.	Special Diet	5166	20000/-
10.	Transportation	Nil	20000/-
11.	Total	960000/-	1086834/-
	Difference Rs.126834/-		

Chandigarh

Sd/- Sudhir Rana

Date-01.10.2025

Advocate

Counsel for the appellants”

“IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. NO. 1352 OF 2024



ADITI

Appellant

V/S

PAPINDER @ PUSHPENDER AND OTHERSRespondents

Name of Injured	Aditi
Date of accident	08.02.2019
Age	10 years
Occupation	Student
Appellants:	Injured-Aditi
MACP No.	518 of 2019

Sr. No.	Heads of claim	Tribunal	Proposal At Hon'ble High court
1.	Income (P.M)	Nil	Nil
2	Loss of income	Nil	Nil
3.	Medical Bills	12830/-	12830/-
4.	Pain and Suffering	40000/-	80000/-
5.	On account of operation	10000/-	20000/-
8	Attendant Charges	8000/-	20000/-
9.	Special Diet	9170	9170/-
10.	Total	80000/-	142000/-
	Difference Rs.62000/-		

Chandigarh

Sd/- Sudhir Rana

Date-01.10.2025

Advocate

Counsel for the appellants”

11. This Court has heard learned counsel for the parties and has perused the paper book and has also considered the said revised charts and the same have been found to be in accordance with law and the amount as sought in the said charts deserve to be granted to the appellants. The said charts take into consideration the objections raised by learned counsel for the Insurance Company.



12. 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 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.”*

13. A perusal of the above would show that for the age of 60 years, multiplier of 9 is to be applied.

14. 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.”

15. 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 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."*

16. 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.

17. Rajender Kumar was 60 years of age at the time of accident and his widow and two daughters who have filed FAO-1487-2024 are rightly entitled to amounts of compensation on account of loss of consortium to the



tune of Rs.1,44,000/- (Rs.48,000/- x 3) and loss of estate and funeral expenses to the extent of Rs.18,500/- each and thus, they are entitled to an additional amount of Rs.1,25,336/- in accordance with the settled law. The amount claimed in FAO-1438-2024 with respect to the injuries suffered by Sanjay Kumar, who is stated to be 42 years of age, is also reasonable and in accordance with the settled law. Thus, an amount of Rs.1,26,834/- deserves to be awarded as an additional amount of compensation to said Sanjay Kumar. Even the revised chart submitted with respect to Aditi-injured who has filed FAO-1352-2024 is in accordance with law and takes into consideration the objections raised by learned counsel for the Insurance Company and the amount claimed is reasonable and in accordance with law and thus, an additional amount of compensation of Rs.62,000/- deserves to be awarded to the said Aditi. With respect to the rate of interest, this Court is consistently awarding rate of interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

18. Keeping in view the abovesaid facts and circumstances, the present appeals are partly allowed and the award dated 05.01.2023 is suitably modified and the appellants/claimants in FAO-1487-2024 are held entitled to an amount of compensation of Rs.1,25,336/-, appellant-Sanjay Kumar in FAO-1438-2024 is held entitled to the amount of compensation of Rs.1,26,834/- and appellant-Aditi in FAO-1352-2024 is held entitled to additional amount of compensation to the tune of Rs.62,000/-. The said additional amounts of compensation would be released 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 within a period of six weeks from today



but the same would exclude the period of 321 days in FAO-1487-2024, 314 days in FAO-1438-2024 and 322 days in FAO-1352-2024 as at the time of issuance of notice of motion, while condoning the said delays, it was observed that the appellants would not be entitled to claim interest for the said period. Order dated 25.09.2025 passed in FAO-1487-2024 is reproduced hereinbelow:-

“CM-5764-CII-2024

Present application has been filed under Section 5 of the Limitation Act for condonation of delay of 321 days in filing the present appeal.

Learned counsel for the applicants-appellants has submitted that for the period of 321 days, the appellants would not claim any interest and has prayed that the said delay be condoned.

For the reasons mentioned in the application, which is duly supported by an affidavit as well as on account of the fair statement made on behalf of the appellants, present application is allowed and the delay of 321 days in filing the present appeal is hereby condoned.

As stated before this Court, the appellants would not claim interest for the said period of 321 days.

Main case

Learned counsel for the appellants has submitted that in the present case, enhancement is sought on the specific grounds.

Notice of motion.

Mr. Punit Jain, Advocate appears and accepts notice on behalf of respondent No.3-Insurance Company and prays for an adjournment to get instructions in the matter.

Adjourned to 29.09.2025.

To be taken up immediately after the urgent list.



25.09.2025”

19. Similar orders were passed in other cases also.
20. It has been pointed out that Aditi is still a minor and thus, the additional amount to which the said Aditi has been held entitled to would be paid to her through her mother being natural guardian namely Smt. Poonam. Ordered accordingly.
21. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

01.10.2025
Pawan

(VIKAS BAHL)
JUDGE

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