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

FAO-488-1989 (O&M)  
Date of decision: 22.05.2025

Manjit Kaur

...Appellant

Versus

Ram Kumar and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Vikas Kumar Kataria, Advocate  
for the appellant.

Mr. Manu Loona, Advocate  
for respondent No.3-Insurance Company.

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**VIKAS BAHL, J. (ORAL)**

**CM-8167-CII-2024**

1. Present application has been filed under Section 151 CPC for placing on record Adhaar Card Annexure A-1 and amended memo of parties.

2. For the reasons mentioned in the application, which is duly supported by an affidavit, same is allowed subject to all just exceptions and Annexure A-1 as well as amended memo of parties are taken on record.

**Main Case**

1. Widow of Gurmit Singh has filed the preset appeal for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Faridkot (hereinafter to be referred as ‘the Tribunal’) vide award dated 16.01.1989. The only issue which arises for consideration in the



present case is with respect to the compensation to which the present appellant-claimant is entitled to, as other issues are not being disputed.

2. Learned counsel for the appellant has submitted that in the present case, the income which had been assessed by the Tribunal i.e. Rs.600/- per month is on the lower side, inasmuch as, Manjit Kaur (AW-1) had stated that the deceased was selling milk and his income was Rs. 2,000/-per month. It is submitted that the income should have been assessed @ Rs.2,000/- per month. It is further submitted that the aspect of future prospects has also not been considered and on the said account, additional 40% of the income of the deceased should have been added in order to calculate the compensation to be awarded to the present appellant-claimant. It is further submitted that the multiplier which had been applied by the Tribunal in the present case was 12, although, since the deceased was 36 years of age, thus, the multiplier of '15' should have been applied. It is submitted that an amount of Rs.48,400/- on account of love and affection, an amount of Rs.48400 /- on account of filial consortium, an amount of Rs.18,150/- on account of loss of estate and an amount of Rs.18,150/- on account of funeral expenses are also required to be paid to the present appellant-claimant, which had not been done by the Tribunal. It is further submitted that the additional amount of compensation should be paid to the present appellant along with interest at the rate of 9 % per annum from the date of filing of the claim petition till its realisation. In support of his arguments, learned counsel for the appellant has relied upon the law laid down by the Hon'ble Supreme Court in case 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. On the other hand, learned counsel for respondent No.3-Insurance Company has submitted that there is nothing on record to show that the deceased was earning Rs.2,000/- per month. It is further submitted that even if the best case of the appellant is taken into consideration, then also at the highest, the income could be taken to be Rs.800/- per month income. It is argued that from the said amount, a deduction towards personal expenditure is also required to be made to the extent of one-third. It is further submitted that the rate of interest sought to be applied by the counsel for the appellant-claimant is highly excessive and at best, rate of interest @ 6% per annum can be applied in the present case.

4. Learned counsel for the appellant, in view of the objections raised on behalf of the counsel for respondent No.3-Insurance Company, has submitted a revised chart, relevant portion of which has been reproduced hereinbelow:-

Sr No.	Head	Compensation claimed
1	Income	Rs.800/-
2	Future Prospects	Rs.320/-(40% of Rs.800 of the income)= 1120/-
3	Deduction towards personal expenditure. As per Sarla Verma Judgment	RS.373 (1/3 of 1120) 1120-373=747
4	Total Income	Rs.747 per month
5	Multiplier	15



6	Loss of future income	Rs.747X12X15=1,34,460/-
7	Loss of love and affection	Rs.48,400/-
8	Loss of Filial Consortium	Rs.48,400/-
9	Loss of estate	Rs.18,150/-
10	Funeral Expenses	Rs.18,150/-
11	Total Compensation	Rs.2,67,560/-
12	Less awarded by MACT	Rs.36,000/-
13	Compensation	Rs.2,31,560/-+ interest from date of application

Sd/-

Place: Chandigarh  
Date: 21.05.2025

Vinod K. Kataria  
Advocate  
Counsel for the appellant”

5. This Court has heard learned counsel for the parties and has perused the paper book and has also considered the said revised chart submitted on behalf of learned counsel for the appellant and the same has been found to be in accordance with law and deserves to be accepted.

6. 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.”*



7. A perusal of the above would show that for the age of 36 years, multiplier of 15 is to be applied.

8. 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.”*

9. 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 and the said percentage was specifically defined with respect to persons who were having a permanent job or/were self-employed or on a fixed salary. The chart as reproduced in para 42 of the judgment of **Sarla Verma's case** (Supra) was approved and a total amount of Rs.70,000/- on conventional heads namely loss of estate, loss of consortium or funeral expenses was also mentioned which required to be enhanced at the rate of 10% in every three years.

10. 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."*

11. In the abovesaid judgment, an amount of Rs.40,000/- each 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.



12. It is not in dispute that the deceased was 36 years of age at the time of the accident and also at the time of his death and thus, the multiplier of '12' applied by the Tribunal was incorrect and multiplier of '15' is required to be applied. The amounts mentioned on accounts of loss of love and affection, filial consortium, loss of estate and funeral expenses have been correctly mentioned in the revised chart and the same are in accordance with the settled law. On the aspect of income, this Court is of the view that in the facts and circumstances of the present case, and keeping in view the submissions made by both the sides, the income has been rightly mentioned as Rs.800/- per month in the revised chart. The benefits of future prospects is also required to be given to the appellant-claimant and a deduction towards personal expenditure is also required to be made.

13. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and award dated 16.01.1989 is modified and respondent No.3 is directed to pay an additional amount of compensation to the tune of Rs.2,31,560/- to the appellant 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.

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

**22.05.2025**

*Mehak*

**(VIKAS BAHL)  
JUDGE**

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