



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

(151)

FAO-5821-2015

Date of decision:- 04.09.2025

Sunehari and others

...Appellants

Versus

Karambir @ Karanvir and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.P. Sharma, Advocate, for the appellants.

Mr. Punit Jain, Advocate,
for respondent No.3-Insurance Company.

VIKAS BAHL, J. (ORAL)

1. The widow and parents of the deceased-Prithviraj have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, Narnaul, vide award dated 08.05.2015, in MACT No.70 of 2013, had awarded the compensation of Rs.9,02,600/- along with interest on account of death of Prithviraj which took place in a motor vehicular accident on 27.04.2013. 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 benefit of future prospects has not been given by the Tribunal and 40% of the salary of the deceased was required to be taken into

consideration on the said aspect as the deceased was 19 years of age. It is further submitted that only an amount of Rs.1,00,000/- had been awarded on account of consortium, whereas, there are three claimants who were dependents on the deceased and thus, the amount on account of consortium which all the three dependents were entitled to was Rs.1,44,000/- and thus, an additional amount of Rs.44,000/- on the said account should be given to the appellants. It is further submitted that with respect to funeral expenses, a total amount of Rs.25,000/- had been awarded and nothing has been awarded with respect to loss of estate, whereas, as per settled law, a total amount of Rs.36,000/- (Rs.18,000/- each) is required to be awarded on the said aspects. It is argued that the salary of deceased, who was a student in Government Polytechnic Lisana, District Rewari, had been taken to be Rs.5,400/- per month, which is on the lesser side, whereas, he is entitled to higher salary than the same. It is further argued that after taking into consideration all the said aspects, an additional compensation be awarded to the present appellants and interest @ 9% per annum be given. 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 *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. Learned counsel appearing for respondent No.3-Insurance Company, on the other hand, has submitted that the finding of the Tribunal

with respect to the monthly income of Rs.5,400/- is in accordance with law and there is no scope of any enhancement on the said aspect. It is further submitted that there is nothing on record to show that the deceased was working anywhere and even as per the case set up by the claimants/appellants, the deceased was a student in Government Polytechnic Lisana, District Rewari and in the said circumstances, the monthly income of Rs.5,400/- which has been taken is as per settled law and deserves no enhancement. It is stated 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.

4. Learned counsel for the appellants, after taking into consideration the objections raised by the learned counsel for contesting respondent No.3-Insurance Company, has submitted a revised chart the relevant portion of which has been reproduced herein below:-

<i>“Monthly income</i>	=	<i>Rs.5400/-</i>
<i>Future Prospects</i>	=	<i>40%</i>
<i>Age 19 yrs</i>	=	<i>Multiplier 18</i>
<i>Deduction</i>	=	<i>1/3 (3 claimants) mother, father & wife of deceased</i>
<i>Loss of future income</i>	=	<i>5400 x 140/100 x 12 x 18</i>
	=	<i>10,88,640</i>
<i>Loss of estate</i>	=	<i>18000 (NIL)</i>
<i>Funeral Exp.</i>	=	<i>18000 (25000 awarded by MACT)</i>
<i>Spousal consortium</i>	=	<i>48000 (1 Lakh awarded by MACT)</i>
<i>Consortium to parents</i>	=	<i>96000</i>
<i>Total</i>	=	<i>12,68,640</i>
<i>Awarded by MACT</i>	=	<i>9,02,600</i>
<i>Enhancement</i>	=	<i>3,66,040 + interest”</i>

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. 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 19 years, multiplier of '18' 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.

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 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."

11. 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.

12. In the present case, the appellants would be entitled to the benefit of future prospects to the extent of 40% of the income of the deceased as it is not in dispute that the deceased was 19 years of age and since there are three claimants, who were dependent upon the deceased, the present appellants would be entitled to a total consortium of Rs.1,44,000/- as per the latest law and thus, the present appellants are also entitled to an additional amount of Rs.44,000/- on the said aspect as only an amount of Rs.1,00,000/- had been awarded on the said aspect by the Tribunal. Even the amount claimed on account of funeral expenses and loss of estate to the extent of Rs.18,000/- each is also as per the settled law and the same deserves to be awarded to the present appellants. The finding of the Tribunal to the effect that the deceased was a student of Government Polytechnic Lisana and thus, entitled to Rs.5,400/- per month is in accordance with law and deserves to be upheld. Nothing has been shown to this Court to show that the deceased is entitled to any higher amount on the said account. Accordingly, the claimants are entitled to an additional amount of Rs.3,66,040/-. 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.

13. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the impugned award dated 08.05.2015 with respect to MACT No.70 of 2013 is modified and respondent No.3- Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.3,66,040/- 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.

September 04, 2025

naresh.k

**(VIKAS BAHL)
JUDGE**

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