



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

FAO-1353-2022

Date of decision : 25.08.2025

Rachna Devi and others

... Appellants

Versus

Parkash Sharma and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vijay Lath, Adocate and
Mr.Naveen Sharma, Advocate
for the appellants.

Mr.Ashwani Talwar, Advocate and
Mr.Deepak Goyat, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

1. The widow, two children and mother of the deceased Preetam Singh has filed the present appeal for enhancement and for suitably modifying the award dated 13.08.2021 vide which an amount of Rs.15,69,400/- along with interest at the rate of 7.5% had been awarded to the appellants on account of death of Preetam Singh in a motor vehicular accident which took place on 31.05.2019.

2. The only issue that arises in the present case is whether the present appellants are entitled to any enhancement of the compensation



awarded, as the other aspects have not been disputed before this Court.

3. Learned counsel for the appellants in support of his claim for additional compensation has submitted that consortium only to the extent of Rs.40,000/- had been awarded by the Tribunal instead of Rs.1,93,600/- as there are four claimants who were all dependant on the income of the deceased. It is submitted that even the amounts on accounts of loss of estate and funeral expenses, which had been awarded, are inadequate and on both of the said counts, the amount of Rs.18,150/- each is required to be awarded to the appellants. It is further argued that it was the case of the appellants before the Tribunal that the deceased had taken a service station on lease at the rate of Rs.18,000/- per month from the owner Gurnam Singh for a period of 11 months from 26.10.2017 to 25.09.2018 and in order to prove the same, the claimants had examined PW3 Gurnam Singh. It is submitted that one of the reasons for rejecting the said plea was that the brother of the deceased namely Prem Singh had made a statement before the police after the accident at the time of registration of the FIR that the deceased Preetam Singh was serving at the service station. It is submitted that the income of the deceased should have been assessed as Rs.50,000/- per month. 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.**

4. Learned counsel for respondent no.3, on the other hand, has vehemently opposed the argument raised on behalf of the appellants with respect to the income of the deceased. It is submitted that there is no document on record, much less, any income tax return to remotely show that the deceased was earning any amount, much less, Rs.50,000/- per month. It is submitted that even the said PW-3 Gurnam Singh had admitted that he had not shown the rent of Rs.18,000/- per month in his income tax return although he was an income tax assessee. It is further argued that the story put up by the appellants before the Motor Accident Claims Tribunal is even contrary to the version given by the brother of the deceased at the time of registration of FIR and thus, the case set up by the appellants to the effect that he was running the service station had not even been remotely proved.

5. Learned counsel for the appellants, in view of the objections raised by learned counsel for respondent no.3, has submitted that at any rate, the deceased should have been treated as a semi skilled worker as it had come on record that he was serving at the service station and in view of the same, learned counsel has submitted a revised chart. The relevant portion of which is reproduced hereinbelow:-

	<i>Heads of Claim</i>	<i>Before Tribunal Amount</i>	<i>Claim before High Court</i>
1.	<i>Income</i>	<i>Rs.8,500/- per month Unskilled</i>	<i>Rs.9,400/- per month Semi Skilled</i>
2.	<i>Total income after addition at</i>	<i>Rs.8500 +</i>	<i>Rs.9,400 +</i>



	<i>the rate of 40% on account of future prospects</i>	<i>Rs.3,400/- = Rs.11,990/-</i>	<i>Rs.3,760/- = Rs.13,160/-</i>
3.	<i>Income after 1/4th deduction on account of personal expenses. Multiplicand into 12.</i>	<i>Rs.11,900/- divided by 4 = Rs.2,975/- (Rs.11,900/- (-) Rs.2,975/-= Rs.8,925/-).</i>	<i>Rs.13,160/- divided by 4 = Rs.3,290/- (Rs.13,160/- (-) Rs.3,290/-= Rs.9,870/-).</i>
4.	<i>Multiplicand into 12</i>	<i>Rs.8,925/- X 12= Rs.1,07,100/-</i>	<i>Rs.9,870/- X 12= Rs.1,18,440/-</i>
5.	<i>Total dependency after applying of multiplier of 14. (Age of deceased was 45 Years and 5 months at the time of accident</i>	<i>Rs.1,07,100/- X14 =Rs.14,99,400/-</i>	<i>Rs.1,18,440/- X 14 = Rs.16,58,160/-</i>
6.	<i>Loss of estate</i>	<i>15,000/-</i>	<i>18,150/-</i>
7.	<i>Funeral expenses.</i>	<i>15,000/-</i>	<i>18,150/-</i>
8.	<i>Loss of Spousal consortium</i>	<i>40,000/-</i>	<i>Rs.48,400/- Spousal Rs.96,800/- Parental Rs.48,400/- Filial Rs.1,93,600/-</i>
9.	<i>Total</i>	<i>Rs.15,69,400/-</i>	<i>Rs.18,88,060/-</i>
10.	<i>Enhancement</i>	<i>Rs.18,88,060/- (-) Rs.15,69,400/- (Awarded by Tribunal)= Rs.3,18,660/-</i>	
11.	<i>Interest @ 7.5% per annum from 16.07.2019 till realization on the amount of compensation of Rs.3,18,660/-</i>		

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6. This Court has heard learned counsel for the parties and has perused the paper book and has also considered the said revised chart and the same has been found to be in accordance with law.

7. 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.”

A perusal of the above would show that for the age of 45 years, multiplier of 14 is to be applied.

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, 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."

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. A perusal of the revised chart would show that the amounts claimed by the present appellants on accounts of loss of estate and funeral expenses to the tune of Rs.18,150/- each are in accordance with law and the amounts which had been awarded by the Tribunal at the rate of Rs.15,000/- each are inadequate. Even the amount on account of loss of consortium is required to be given after taking into consideration the number of claimants, who are dependants of the deceased, who in the present case are admittedly four and thus, the amount of Rs.1,93,600/- claimed by the appellants even on the said aspect is in accordance with law. The said aspect has not been disputed before this Court. With respect to the income, in view of the objection raised by the learned counsel for respondent no.3, learned counsel for the appellants has rightly claimed that at least an amount of Rs.9400/- per month, which was the minimum wage paid to a semi skilled worker at



the relevant time, should be paid to him, as one of the primary grounds for rejecting the plea raised by the appellants, by the Motor Accident Claims Tribunal in paragraph 18 of its judgment was to the effect that the first version of the appellants given by the brother of the deceased at the time of registration of the FIR was that the deceased was serving at the service station, thus, he could safely be taken to be a semi skilled worker. The said aspect has not been disputed before this Court.

10. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 13.08.2021 is modified and respondent no.3 is directed to pay an additional amount of compensation to the tune of Rs.3,18,660/- 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, as per the proportion in the award.

(VIKAS BAHL)
JUDGE

August 25, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No