



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Cross Objection 57-CII-2014 and
FAO-2652-2013 (O&M)
Date of Reserve:11.09.2025
Date of Pronouncement:-22.09.2025

New India Assurance co. Ltd.Appellant

Versus

Geeta Devi and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Bhushan Kumar, Advocate for
Mr. Aditya Jain, Advocate
for the appellant in FAO No. 2652-2013
and for the respondent-Insurance Company in
Cross Objection-57-CII-2014.

Mr. Aditya Jain, Advocate
for respondent Nos. 1 to 4/cross objectors.

Mr. Amandeep, Advocate for
Mr. Chanderhans Yadav, Advocate
for respondent No. 6 in FAO No. 2652-2013.

SUDEEPTI SHARMA J.

1. Appeal and cross objections, as noticed above, are being disposed of by this common judgment, having arisen out of the impugned award dated 14.02.2013 passed by the learned Motor Accidents Claim Tribunal, Rewari, whereby the claimants/respondent No. 1 to 4 were awarded compensation to tune of Rs.21,59,864/- along with interest @6% per annum.



FACTS NOT IN DISPUTE

2. On 25.2.2011 at about 5.30 p.m., Krishan Kumar (since deceased) was going towards Bawal from Banipur Chowk on National Highway No.8 on his motorcycle at moderate speed and when he reached near Rudh bridge, Bawal, a truck bearing registration No.HR-47-1198 being driven in a rash and negligent manner and at a very high speed by respondent No.1 came from behind and hit the motorcycle of the deceased. Due to the impact of the accident, the deceased fell down on the road and sustained grievous and fatal injuries on the vital parts of his body and succumbed to the injuries at the spot. The accident in question was caused due to the rash and negligent driving of truck bearing registration No.HR-47-1198 by respondent No.1. FIR No.27 dated 25.2.2011 under Sections 279,304-A of Indian Penal Code was registered in Police Station, Kasola.

3. Upon notice of the claim petition, respondents-driver, owner and Insurance Company appeared and denied the factum of accident/compensation.

4. From the pleadings of the parties, the Tribunal framed the following issues:-

- 1) *Whether deceased Krishan Kumar died in a motor vehicular accident on account of rash and negligent driving of vehicle bearing registration No. HR-47-1198 by respondent No. 1 on 25.02.2011? OPP*
- 2) *If Issue No. 1 is proved, to what amount of compensation, the claimants are entitled to and from whom? OPP*



- 3) *Whether respondent No. 1 was not holding a valid and effective driving licence to drive the offending vehicle at the time of accident? OPR*
- 4) *Relief.”*

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the tune of Rs.21,59,864/- alongwith interest @ 6% per annum. Hence the claimants/cross objectors filed the cross objections for enhancement of compensation awarded by the Tribunal and the appellant-Insurance Company has filed the present appeal on the ground that the learned Tribunal has wrongly granted the compensation to the claimants/respondent Nos. 1 to 4. Hence the present appeal as well as cross objections.

SUBMISSIONS OF LEARNED COUNSELS FOR THE PARTIES

6. Learned counsel for the appellant-Insurance Company submits that the claim petition has wrongly been allowed and the claimants/respondent Nos. 1 to 4 are not entitled to compensation. He further contends that the amount awarded by the learned Tribunal is on the higher side. Therefore, he prays that the present appeal be allowed.

7. Per contra, learned counsel for respondent No. 1 to 4/cross objectors contends that the appeal filed by the Insurance Company is liable to be dismissed and the cross objections filed by them, is liable to be allowed as the compensation awarded by the learned Tribunal is on the lower side. He further contends that Krishan Kumar (since deceased) was about 51 years of age and was working in Haryana Police as Assistant Sub Inspector. However, the learned



Tribunal failed to include future prospects in its calculation. He further contends that the amount awarded for funeral expenses, loss of estate and loss of consortium is on the lower side. Therefore, he prays that the present cross objections be allowed and compensation should be enhanced as per latest law.

8. I have heard learned counsel for the parties and perused the whole record of this case.

9. Before proceeding further, it is necessary to reproduce the relevant portion of the impugned award

“10. In order to prove these issues, the claimants examined Sub Inspector Surjeet Singh as PW1 who brought the summoned record pertaining to FIR No.27 dated 25.2.2011 under Sections 279, 304-A of Indian Penal Code registered at Police Station Kasola. He stated that challan against accused Sunder Lal-respondent No.1 has been submitted before the Illaqa Magistrate. He proved the copy of FIR Ex.P1. Birju Singh, alleged eye witness of the occurrence, appeared as PW2 and tendered his affidavit Ex.PW2/A. He, by way of affidavit, deposed that on 25.2.2011 he was going to Om Service Station, Bawal on National Highway No.8 from Banipur Chowk on his motorcycle and when he reached near Rudh bridge, Bawal at about 5.30.p.m., a person, who was riding his motorcycle on his correct side of the road and at a moderate speed, was ahead to him. In the meantime, a truck bearing registration No.HR-47-1198 being driven in rash and negligent manner and



at a very high speed by respondent No. I came from behind and dashed with that motorcycle and as a result of the impact, the motorcyclist fell down on the road and was crushed by the truck and he sustained serious injuries. He stated that the accident in question took place entirely due to rash and negligent driving and high speed of truck bearing registration No.HR-47-1198 by respondent No.1.

11. Ex.Pl is copy of FIR No.27 dated 25.2.2011. The same was lodged at the instance of Anil against some unknown vehicle and unknown person. However, the matter has been investigated by the police and challan has been submitted by the police in the court against Sunder Lal and charge has already been framed by the court against Sunder Lal. In Gurdeep Kaur Vs. Tarmsem Singh 2008(2) RCR (Civil) 771 (P&H)_criminal case against driver of vehicle was registered. He was being tried on account of the rash and negligent driving in a criminal case in a court of law. It is held by our Hon'ble High Court that if driver is being tried account of the rash and negligent driving in a criminal case by court of law, it is prima facie safe to hold that the accident occurred on account of his rash and negligent at Further, respondent No.1, driver of the offending vehicle, has not stepped into the witness box in order to deny the negligence on his part In Raju & ors. Vs. Sukhwinder Singh and ors. 2007(1) Latest Judicial Reports



728 (P&H) it has been held by our own Hon'ble High Court that adverse inference is to be drawn against the driver of the vehicle and he is presumed to be negligent if he does not come forward to deny his negligence.

12. Ex.P2 is the copy of post-mortem report of Krishan Kumar. The same was conducted on 26.2.2011 and in the column of information furnished by the police, road side accident is mentioned. As per opinion of the doctor, all injuries were ante-mortem in nature caused by blunt force and cause of death was injury to vital organ brain and were sufficient enough to cause death in normal course of nature and possibility of sustaining injury due to road side accident cannot be completely ruled out. There is no evidence on behalf of the respondents to rebut the evidence produced by the petitioners.

13. In these circumstances, it is held that deceased Krishan Kumar died in a motor vehicular accident on 25.2.2011 which took place due to the rash and negligent driving of vehicle bearing registration Ne HR-47-1198 by respondent No.1.

14. Now coming to the compensation, Smt. Geeta Devi widow of the deceased appeared as PW3 and tendered her affidavit Ex.PW3/A and reiterated the averments as pleaded in the petition. As per petitioners, the deceased was employed as Assistant Sub Inspector in Haryana Police and was earning Rs.25,000/- per month as salary. The petitioners have



examined. Head Constable Randhir Singh, Account Branch, SP Office, Rewari as PW4 who brought the summoned record regarding salary of deceased EAST Krishan Kumar No.45, Rewari. He has proved the salary statement of the deceased Ex.P3. He stated that the deceased Krishan Kumar had joined in Haryana Police on 29.10.1981 and he had to retire on 31.8.2017 and his date of birth is 22.8.1959 as per the record. Ex.P3/B is salary statement of EAST Krishan Kumar No.45 for the month of February 2011. In Ex.P3, the basic pay of deceased EASI Krishan Kumar is mentioned as Rs.15810/- and the total salary is shown as Rs.21,735/-. Thus, monthly income of the deceased is taken to be Rs 21,735/-.

15. Learned counsel for respondent No.3 argued that since last pay drawn by the deceased Krishan Kumar is being given by the department to the dependants of the deceased till the date of his attaining superannuation, therefore, there was no loss of income.

16. Learned counsel for the petitioners argued that the insurance company shall not be entitled to the deduction of amount given to the dependants under the Rules of 2006 while calculating compensation payable under the Motor Vehicles Act. He relied upon the judgment delivered December 21, 2012 by Hon'ble High Court of Punjab and Haryana (DB) in FA.O



No.1322 of 2010 (O&M) Reliance General Insurance Company Limited Va Purnima and others.

17. As per latest pronouncement of the authority Reliance General Insurance Company Limited Vs. Purnima and others, F.A.0 No.1322 of 2010 (O&M) relied upon by learned counsel for the petitioners, the insurance company shall not be entitled to the deduction of amount given to the dependants under the Rules of 2006 while calculating compensation payable under the Motor Vehicles Act.

18. As per the title of the petition, there are four members in the family who are considered to be dependant upon the deceased and in Smt. Saria Verma and others Vs. Delhi Transport Corporation and another 2009(3) RCR (Civil) 77 it has been observed by the Hon'ble Supreme Court that in order to assess the amount contributing towards personal expenses, the members constituting family of the deceased is to be taken into consideration. Where the unit or family of the deceased, who are dependants constituted between 4 to 6 numbers, in that eventuality 1/4" of the total earnings of the deceased is to be taken into consideration towards his personal expenses, whereas 3/4" would be contributing towards the other family members who are dependant upon him. In view of the authority laid down by Hon'ble Supreme Court and the monthly income of the deceased Rs.21,7351, out of which he may be



contributing 1/4 je. Rs.5434/- towards his personal expenses and the remaining 3/4 of his income, which is Rs.16302, he may be contributing to his other family members, who are considered to be dependant upon him, the yearly income of the deceased comes out to Rs 16302x12-Rs.195624/-.

19. The petitioners have alleged that the deceased Krishan Kumar was aged about 48 years at the time of accident. PW4 Head Constable Randhir Singh has stated that the date of birth of deceased Krishan Kumar is 22.8.1959. In the post-mortem report Ex. P2, age of Krishan Kumar is mentioned as 48 years and the same must have been told to the doctor by the relatives of Krishan Kumar. The accident took place on 25.2.2011. Thus, the deceased was aged about 51 years at the time of accident. As per Sarla Verma's case (supra), appropriate multiplier of 11 is prescribed for the age ranging between 51 to 55 years. After applying the appropriate multiplier of 11, the amount of compensation found payable to the petitioners is assessed Rs, 195524x11-Rs.2151864, Apart from this, the petitioner No. 1 is also entitled to get an amount of Rs.5,000/- towards loss of consortium and an amount of Rs. 3,000/- towards last rites.

20. Thus, in view of the above observation and discussion, the total amount which is found payable to the petitioners is assessed Rs.2159864 (Rs. Twenty one lac fifty nine thousand eight hundred and sixty four only) as compensation.”



10. A perusal of the impugned award reveals that the learned Tribunal has meticulously considered the entire evidence placed on record and has rightly arrived at the conclusion that the accident in question was the direct result of rash and negligent driving of the offending vehicle by the respondent–driver.

11. The testimony of PW2, Birju, the eye-witness, assumes pivotal significance. He categorically deposed to the entire sequence of events leading up to the accident and unequivocally attributed negligence to the respondent–driver. Despite being subjected to detailed cross-examination, his testimony remained consistent, cogent, and unimpeachable. The learned Tribunal, therefore, rightly placed reliance upon such credible ocular evidence.

12. It is further transpired from the record that FIR (Ex. P1) with respect to the accident was promptly lodged on the very date of occurrence. Though it was initially recorded against an unknown vehicle and driver, it is a matter of settled legal position that in motor accident cases, it is not unusual that FIR do not contain particulars of the offending vehicle and driver at the initial stage, as such details are often ascertained only during the course of investigation. This factor, by itself, cannot be a ground to discard the otherwise reliable claim. Reference may be made to the judgment of this Court in ***FAO-2603-2007 titled as Rajbir Singh Vs. Ram Bhagat and anr., decided on 30.04.2025***, wherein it was held that once the investigating agency identifies the vehicle and its driver during investigation, the claim cannot be brushed aside merely because the FIR did not mention these particulars at the inception. The relevant extract of the same is reproduced as under:-



12. *The Tribunal has erroneously placed undue emphasis on the fact that the FIR (Ex. P11), lodged on the very date of the occurrence, did not initially disclose the identity of driver or registration number of the offending vehicle. It is trite law that in cases involving motor accidents, particularly those resulting in serious bodily injuries, it is not uncommon for the victim to be unaware of the particulars of the offending vehicle at the initial stage. The law does not require the FIR to be a comprehensive narrative, nor does it mandate precise identification of the vehicle and driver at the inception. The purpose of the FIR is to set the criminal law into motion, and any subsequent identification emerging from investigation is legally sufficient to establish the involvement.*

13. *Indeed, the investigative process undertaken by the police culminated in the filing of a charge-sheet against respondent No.1, Ram Bhagat, under Sections 279, 338, and 427 IPC. PW-2, Mukesh Kumar, the Criminal Ahlmad from the Court of the Additional Chief Judicial Magistrate, Hisar, categorically proved that charges have been framed against respondent No. 1 in the said criminal case and the matter is pending trial. He also proved on record the FIR (Ex. P11), the mechanical inspection reports of both motorcycles (Ex. P12 and Ex. P13), the registration certificate of the offending vehicle (Ex. P14), the driving licence of respondent No.1 (Ex. P15), and the site plan (Ex. P16). This documentary*



corpus, when read in conjunction with the oral evidence, clearly establishes the nexus between the accident and the rash and negligent act of respondent No.1.

14. *It is settled law that once a charge-sheet is filed and charges are framed in a criminal case arising from a motor accident, the same may be relied upon by the Tribunal as strong corroborative evidence to support the version of the claimant, particularly where there is no effective rebuttal. Reference at this stage can be made to judgment of this Court in a case of **Smt. Gayatri Devi and others vs. Ashwani Kumar and others**, passed in FAO No. 1866-2007, decided on 21.03.2025. The operative part of the judgment reads as under:-*

“Furthermore, PW3-Raja Ram, Criminal Ahlmad to the CJM, Narnaul, testified that a challan had been duly presented in FIR No. 27 dated 4.2.2005 against Respondent No.1 and the charges were already framed under Sections 279 and 304-A IPC. Jurisprudence in motor accident cases unequivocally holds that once the FIR has been registered and a charge sheet has been filed, it constitutes prima facie evidence of the fact that the accident occurred due to the negligent driving of the accused. The learned Tribunal, however, erroneously disregarded this crucial piece of documentary evidence, which lends substantial credence to the case of the appellants/claimants.



13. The record further reveals that PW1, Sub-Inspector Surjeet Singh, produced the relevant police file and deposed that challan (Ex.P4) and charge-sheet (Ex.P5) had been duly filed against the respondent–driver. It is a trite principle of law that once a police report under Section 173 Cr.P.C. culminates in the framing of charges against the driver of the offending vehicle, the same constitutes *prima facie* evidence of rash and negligent driving for the purposes of proceedings under the Motor Vehicles Act.

14. The learned Tribunal, thus, rightly appreciated both the oral as well as documentary evidence and reached the just conclusion that the accident occurred on account of the rash and negligent driving of the offending vehicle by the respondent–driver.

15. It also merits reiteration that the standard of proof applicable in claim proceedings before the Motor Accident Claims Tribunal is that of preponderance of probabilities, and not the stricter standard of proof beyond reasonable doubt, as is required in criminal trials. Hon’ble the Supreme Court of India in a case of ***Sunita and others vs. Rajasthan State Road Transport Corporation and another***, 2019 (2) RCR (Civil) 209 has held that non-examination of witness/pillion rider would not be fatal to the case of the claimants. The relevant portion of the judgment is reproduced as under:-

“31. Similarly, the issue of nonexamination of the pillion rider, Rajulal Khateek, would not be fatal to the case of the appellants. The approach in examining the evidence in accident claim cases is not to find fault with non examination of some “best” eye witness in the case but to analyse the evidence already on record to ascertain whether that is sufficient to



answer the matters in issue on the touchstone of preponderance of probability. This court, in [Dulcina Fernandes](#) (supra), faced a similar situation where the evidence of claimant's eyewitness was discarded by the Tribunal and the respondent was acquitted in the criminal case concerning the accident. This Court, however, took the view that the material on record was prima facie sufficient to establish that the respondent was negligent. In the present case, therefore, the Tribunal was right in accepting the claim of the appellants even without the deposition of the pillion rider, Rajulal Khateek, since the other evidence on record was good enough to prima facie establish the manner in which the accident had occurred and the identity of the parties involved in the accident.”

16. In view of the above discussion, and in light of the settled principles governing adjudication of claims under the Motor Vehicles Act, it is manifest that the findings of the learned Tribunal on the issue of rash and negligent driving are well-reasoned, based on proper appreciation of evidence, and do not warrant any interference by this Court.

17. Adverting to the second limb of the submissions advanced by the learned counsel for the appellant–Insurance Company with regard to the quantum of compensation, it is pertinent to notice that the claimants have also filed Cross Objections No. 57-CII of 2014 seeking enhancement of the award, contending therein that the compensation assessed by the learned Tribunal is on the lower side and deserves to be suitably enhanced.



18. From the material available on record, it stands established that the deceased was employed as an Assistant Sub-Inspector in the Haryana Police. PW-4, HC Randhir Singh, has duly proved the salary certificate (Ex. P-3). The said document reflects that the monthly income of the deceased was ₹21,735/-. The learned Tribunal, relying upon this documentary evidence, has rightly taken the monthly income of the deceased as ₹21,735/-, and no interference is warranted on this count.

19. The record further reveals that the learned Tribunal has correctly deducted one-fourth of the income towards personal expenses and has applied the multiplier of 11, having regard to the age of the deceased being 51 years, which is in line with the principles laid down in **Sarla Verma Vs. Delhi Transport Corporation and Another** [(2009) 6 Supreme Court Cases 121] affirmed in subsequent judgments.

20. However, it clearly emerges that the learned Tribunal has not granted any amount towards future prospects and loss of estate. Further, the amounts awarded under the conventional heads of funeral expenses and loss of consortium are on the lower side. In view of the authoritative pronouncement of the Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.** [(2017) 16 SCC 680], the claimants are legally entitled to just and reasonable compensation under these heads.

21. Consequently, the compensation requires recalculation and enhancement to bring the award in conformity with the settled principles of law.



SETTLED LAW ON COMPENSATION

22. Hon'ble Supreme Court in the case of *Sarla Verma Vs. Delhi Transport Corporation and Another* [(2009) 6 Supreme Court Cases 121], laid down the law on assessment of compensation and the relevant paras of the same are as under:-

“30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra, the general practice is to apply standardised deductions. Having a considered several subsequent decisions of this Court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six.

31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut



drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father.

32. Thus even if the deceased is survived by parents and siblings, only d the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third.

** * * * **

42. We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the table above (prepared by applying Susamma Thomas³, 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.

23. Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

- (A) Deduction of personal and living expenses to determine multiplicand;*
- (B) Selection of multiplier depending on age of deceased;*
- (C) Age of deceased on basis for applying multiplier;*
- (D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;*
- (E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.*

The relevant portion of the judgment is reproduced as under:-

*“52. As far as the **conventional heads** are concerned, we find it difficult to agree with the view expressed in Rajesh². It has granted Rs.25,000 towards funeral expenses, Rs 1,00,000 towards loss of consortium and Rs 1,00,000 towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh*



Devi, it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that 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 principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis



in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.

* * * * *

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 paras 30 to 32 of Sarla Verma⁴ which we have reproduced hereinbefore.

59.6. The selection of multiplier shall be as indicated in the Table in Sarla Verma¹ read with para 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.”

24. Hon’ble Supreme Court in the case of **Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram & Others [2018(18) SCC 130]** after considering **Sarla Verma (supra)** and **Pranay Sethi (Supra)** has settled the law regarding consortium. Relevant paras of the same are reproduced as under:-

“21. A Constitution Bench of this Court in Pranay Sethi² 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, cooperation, 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 recognised 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. 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 Sethi². 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.



CONCLUSION

25. In view of the above, the cross objections filed by claimants/cross objectors is allowed and the appeal filed by the Insurance Company is dismissed. The award dated 14.02.2013 passed by the learned Motor Accidents Claim Tribunal, Rewari is modified to the extent that the cross objectors-claimants are entitled to enhanced compensation, as per the calculations made here-under:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Compensation Awarded</i>
1	Monthly Income	Rs.21735/-
2	Future prospects @ 15%	Rs.3260/- (15% of 21735)
3	Deduction towards personal expenditure 1/4th	Rs.6248/- (24995X 1/4)
4.	Total Income	Rs.18747/- (24995-6248)
4	Multiplier	11
5	Annual Dependency	Rs.24,74,604/- (18747X12X16)
6	Loss of Estate	Rs.18,150/-
7	Funeral Expenses	Rs.18,150/-
8	Loss of Consortium Parental : Rs. 48,400/-x3 Spousal : Rs. 48,400/-x1	Rs.1,93,600/-
	Total Compensation	Rs.27,04,504/-
	Amount Awarded by the Tribunal	Rs.21,59,864/-
	Enhanced amount	Rs.5,44,640/- (2704504-2159864)

26. So far as the interest part is concerned, as held by Hon'ble Supreme Court in *Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma* 2019 ACJ 3176 and *R.Valli and Others VS. Tamil Nandu State Transport Corporation*



(2022) 5 Supreme Court Cases 107, the cross objectors-claimants are granted the interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.

27. The Insurance Company-respondent is directed to deposit the enhanced amount of compensation along with interest with the Tribunal within a period of two months from today. The Tribunal is further directed to disburse the enhanced amount of compensation along with interest in the accounts of the claimants/cross objectors, as per the ratio settled by the Tribunal in its award dated 14.02.2013. The claimants/cross objectors are directed to furnish their bank account details to the learned Tribunal.

28. The statutory amount of Rs.25,000 deposited by the appellant-Insurance Company at the time of admission of the appeal, is ordered to be refunded to it.

29. Disposed off accordingly.

30. Pending applications, if any, also stand disposed of.

22.09.2025

Gaurav Arora

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/non-speaking : Speaking

Whether reportable : Yes