

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP(C) No.11469 of 2022)

AJMER KAUR AND OTHERS

APPELLANTS

A1 : AJMER KAUR

A2 : JAGGA SINGH

A3 : RAMPAL SINGH

A4 : VIRPAL KAUR

VERSUS

MOHINDER SINGH AND OTHERS

RESPONDENTS

R1 : MOHINDER SINGH

R2 : DATTA RAM

R3 : UNITED INDIA INSURANCE COMPANY

O R D E R

Heard learned counsel for the parties.

2. Leave granted.

3. At the outset, learned counsel for the appellants submits that the compensation awarded by the High Court needs enhancement on basically three fronts. It was submitted that

first of all, the income has been computed as Rs.2,500/- (Rupees Two Thousand Five Hundred) per month, which was in the teeth of the evidence adduced before the court where the mother had deposed that the deceased besides doing other work also used to sell milk and his income was Rs.10,000/- (Rupees Ten Thousand) per month. However, he submitted that raising his claim on the minimum wages, which is the standard applied by all the courts, the daily wage rate being Rs.110.8, the amount would come to at least Rs.3,300/- (Three Thousand Three Hundred) per month. Secondly, learned counsel pointed out that there was no amount given on the head of loss of filial consortium, which has now been accepted to be payable as per judgment of this Court in *Smt. Sarla Verma v Delhi Transport Corporation*, (2009) 6 SCC 121 read with the decision in *Magma General Insurance Co. Ltd. v Nanu Ram alias Chuhru Ram*, (2018) 18 SCC 130. Learned counsel submitted that there are four claimants and the person having died, the final amount not exceeding Rs.6,00,000/- (Rupees Six Lakhs), the interest awarded by the Motor Accident Claims Tribunal, Mansa, Punjab (for short, the "MACT") of 8% per annum being reduced by 6% per annum by the High Court was unjustified and thus, the same deserves to be restored to 8% per annum.

4. *Per contra*, learned counsel for respondents no.1 and 2 submitted that the accident occurred in the year 2008 and at

that time, without there being a fixed income of the deceased, a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred) per month, being notionally taken by the court, cannot be faulted with. It was further submitted that the judgment in *National Insurance Company Limited v Pranay Sethi*, (2017) 16 SCC 680, does not envisage loss of filial consortium and is restricted to parental consortium only. With regard to interest, learned counsel submitted that it is for the Court to take a view on the same.

5. Having considered the matter, we find that the objection raised by the appellants in the present case, restricting their claim for further compensation only on the basis of income and loss of filial consortium as also the interest, is well founded. The judgment in *Pranay Sethi* (supra) read together with *Magma General Insurance Co. Ltd.* (supra), clearly entitles the appellants to loss of filial consortium at the rate of Rs.40,000/- (Rupees Forty Thousand) per head. Thus, the amount of compensation stands enhanced by Rs.2,00,000/- (Rupees Two Lakhs). The income also stands enhanced from Rs.2,500/- (Rupees Two Thousand Five Hundred) per month to Rs.3,300/- (Rupees Three Thousand Three Hundred) per month and the interest stands restored to 8% per annum from 6% per annum. The parties at the request of the Court have given the total figure after incorporating what has been

allowed in this order. The same comes to Rs.7,79,533/- (Rupees Seven Lakhs Seventy Nine Thousand Five Hundred Thirty Three) excluding the interest, which shall be added to it and shall be payable from the date of filing of the application before the MACT till the date of realisation. The same be paid, if not already paid, after adjusting what had already been paid, within a period of two months from today and shall be deposited before the MACT which in turn, shall transfer the amount in the account of the appellants, within two weeks thereafter.

6. After the order was dictated, learned counsel for respondents no.1 and 2 and respondent no.3-insurance company submitted that the brothers have joined the proceeding later on, as the original claim petition was filed only by the father and the mother and upon death of the father, they have joined the proceeding. Thus, objection was raised that they may not be granted the benefit of loss of filial consortium.

7. Having regard to the aforesaid submission, the same is noted to be rejected outright. The fact that they are siblings and the law provides for loss of filial consortium to the siblings, there being no estoppel against law, in our considered opinion, they are entitled to be given such relief, which we have already granted to them.

8. The appeal stands allowed in the aforementioned terms.

9. Pending application(s), if any, shall stand disposed of.

.....J.
[AHSANUDDIN AMANULLAH]

.....J.
[PRASHANT KUMAR MISHRA]

NEW DELHI
15th MAY, 2025

ITEM NO.4

COURT NO.16

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 11469/2022

[Arising out of impugned final judgment and order dated 19-03-2021 in FAO No.2631/2010 passed by the High Court of Punjab & Haryana at Chandigarh]

AJMER KAUR & ORS.

Petitioner(s)

VERSUS

MOHINDER SINGH & ORS.

Respondent(s)

Date : 15-05-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Vidyut Kayarkar, Adv.
Mr. Umang Shankar, AOR
Mr. Sanjay Singh, Adv.
Mr. Siddharth Jain, Adv.

For Respondent(s) Mrs. Sunita Singh, Adv.
Mr. Abhigya Kushwah, AOR
Ms. Anamika Kushwaha, Adv.
Mr. Siddharth Rajkumar Murarka, Adv.
Mr. Rohan Rohatgi, Adv.
Mrs. Shubhangini Rohatgi, Adv.

Mr. Ravi Bakshi, Adv.
Ms. Sayma Feroz, Adv.
Mr. Manvendra Pratap Singh, Adv.
Mr. Chander Shekhar Ashri, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

2. The appeal stands allowed in terms of the signed order.

3. Pending application(s), if any, shall stand disposed of.

(SAPNA BISHT)

COURT MASTER (SH)

(ANJALI PANWAR)

COURT MASTER (NSH)

(Signed order is placed on the file)