

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 5124/2024

- 1. Barji Bai W/o Motilal, Aged About 43 Years, R/o Toda Ka Gothda, Dooni, Tehsil Dooni, District Tonk (Rajasthan)
- 2. Motilal S/o Mishrilal, Aged About 51 Years, R/o Toda Ka Gothda, Dooni, Tehsil Dooni, District Tonk (Rajasthan)

----Appellants/Claimants

Versus

- 1. Manoj Kumar S/o Atar Singh, R/o Nagang, Police Station Sadar Mahendragarh, District Mahendragarh (Rajasthan) (Driver Of Truck No. RJ32-GC-8143)
- 2. Sandeep Kumar S/o Ramjeevan, R/o Bawaniya, Police Station Kanana, District Mahendragarh And Near Shyam Temple, Kotputli, Jaipur, District Jaipur (Rajasthan) (Owner Of Truck No. RJ32-GC-8143)
- 3. The New India Insurance Company Limited, Dharma Heights 10, Motilal Atal Road, M.I. Road, Jaipur

----Respondents

For Appellant(s)	:	Mr. Amit Sharma, Adv. on behalf of Mr. Sandeep Jain, Adv.
For Respondent(s)	:	Mr. Lokesh Parihar, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

06/05/2026

1. By way of filing the instant civil misc. appeal, the appellants-claimants have challenged the impugned judgment and award dated 12.09.2024 passed by the learned Motor Accident Claims Tribunal, Tonk (hereinafter referred to as learned 'Tribunal') in Claim Petition No. 573/2023 titled as Barji Bai & Anr. Vs. Manoj Kumar & Ors., by which the claim petition filed by the appellants-claimants for claiming compensation due to death of one Bunty @

Bhawani Shankar, has been partly allowed and an award of Rs.13,76,760/- has been passed in favour of the claimants along with interest @ 7% per annum.

2. Aggrieved by the impugned judgment and award dated 12.09.2024, the appellants-claimants have approached this Court by way of filing the instant appeal, while seeking enhancement of the amount of compensation awarded by the learned Tribunal.

3. Learned counsel for the appellants-claimants submits that in the present matter, the accident occurred on 19.03.2023. The deceased was 21 years unmarried son of the appellants-claimants. Learned counsel further submits that though this appeal has been filed on other ground also, however, appellants-claimants confined the present appeal only to the extent of compensation awarded under the head of loss of consortium. Learned counsel contends that learned Tribunal has awarded compensation under the head of loss of consortium only to one of the parents, whereas, both the parents are entitled to get compensation under the head of filial consortium. Therefore, learned counsel prays that the appeal be allowed and both the parents be given compensation under the head of loss of consortium.

4. Per contra, learned counsel appearing on behalf of the respondent No.3-Insurance Company opposes the prayer made on behalf of learned counsel for the appellants-claimants.

5. Heard and considered the submissions made at the Bar and perused the material available on the record.

6. Looking to the present facts, both the parents; who are present claimants-appellants, are entitled to get compensation under the head of loss of consortium in the light of the judgments

passed by the Hon'ble Apex Court in the cases of **National Insurance Company Limited Vs. Pranay Sethi & Ors.** reported in **(2017) 16 SCC 680**, **United India Insurance Company Limited Vs. Satinder Kaur @ Satwinder Kaur & Ors.** reported in **(2021) 11 SCC 780**, and **Magma General Insurance Company Limited Vs. Nanu Ram Alias Chuhru Ram & Ors.** reported in **(2018) 18 SCC 130**. Therefore, in accordance with the principles laid down by the Hon'ble Apex Court in the cases of **Pranay Sethi** (supra), **Satinder Kaur @ Satwinder Kaur** (supra) and **Chuhru Ram** (supra) and considering the date of the accident, this Court is of the firm opinion that the other parent is also entitled to get the compensation of amount of Rs.48,000/- under the head of 'filial' consortium.

7. Considering the overall facts and circumstances of the case, the impugned judgment and award is enhanced in the following terms:-

S. No.	Heads	Amount (in Rs.)
1.	Loss of Future income (along with 40% future prospects)	Rs.12,92,760/-
2.	Loss of Consortium (for both the parents Rs.48,000/- each)	Rs.96,000/-
3.	Funeral Expenses	Rs.18,000/-
4.	Loss of Estate	Rs.18,000/-
The amount of compensation determined by this court		Rs.14,24,760/-
The amount of compensation awarded by the learned Tribunal		Rs.13,76,760/-
Difference in compensation amount after enhancement		Rs.48,000/-

8. Accordingly, the instant civil miscellaneous appeal filed by the appellants-claimants, is partly allowed, and the award of Rs.13,76,760/- passed by the learned Tribunal is enhanced to

Rs.14,24,760/-. Income tax will be deducted from this amount as per the rules. The compensation amount previously received by the appellants-claimants, if any, will be adjusted against the enhanced awarded amount, and the appellants-claimants shall be entitled to receive the remaining amount. The appellants-claimants are entitled to receive interest at the rate of 8% per annum on the compensation amount enhanced by this order from the date of filing of the claim petition.

9. Accordingly, the instant civil miscellaneous appeal filed by the appellants-claimants is disposed of, in terms of the discussion made hereinabove.

10. Stay application(s), if any, and any other pending application(s) also stand disposed of.

(ASHUTOSH KUMAR),J