2026 INSC 864

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(Arising out of SLP (C) No.18553 of 2023)

SAMEEM BEGUM AND OTHERS ...APPELLANTS

VERSUS

K. VENKAT SWAMY AND ANOTHER ...RESPONDENTS

J U D G M E N T

N.V. ANJARIA, J.

Leave granted

2. The present appeal is directed against judgment and order dated 30.06.2022 passed by the High Court for the State of Telangana at Hyderabad[1] in M.A.C.M.A. No. 1363 of 2015, whereby, the High Court enhanced the motor accident compensation to be paid to the appellants, from Rs.8,44,000/- to Rs.11,00,672/- with interest at the rate of 7.5% per annum from the date of order as awarded by the

[1] **Hereinafter, "High Court".**

Motor Accidents Claims Tribunal Cum II Additional Chief Judge, City Civil Court at Hyderabad[2] till the date of realisation.

3. The accident took place on 23.06.2012, the deceased Shaik Janimiya was proceeding by walking at Malkajgiri. At that time, a car bearing No. AP-29-AK-3717, stated to be driven in a rash and negligent manner and at a high speed, came and dashed into the pedestrian Shaik. He fell down and succumbed to injuries while undergoing treatment at Raghavendra Hospital. A complaint resulting into case in Crime No. 284 of 2012 was registered against the driver of the car. The claim petition was filed seeking compensation of Rs. 9,00,000/- for the death of the said Shaik Janimiya. The appellants herein are the wife and three children – the heirs and legal representatives of one Shaik Janimiya who died in vehicular accident.

3.1. The deceased was aged 48 years working as a Private Security Personnel at the relevant time. It was claimed that he had been earning Rs. 9,000/- p.m. The

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[2] **Hereinafter, "Tribunal".**

Tribunal awarded a total Rs. 8,44,000/- under various heads with interest at the rate of 7.5% per annum from the date of petition till realisation, whereas the High Court allowed the Appeal of the claimants in part increasing the amount to Rs.11,00,672/-, to be paid with interest at 7.5% per annum from the date of order passed by the Tribunal till the date of realisation.

3.2. A comparative tabular chart showing the amounts awarded by the Tribunal as well as the High Court under different heads is as under,

Compensation Heads	**Amount awarded by the Claims Tribunal**	**Amount awarded by the High Court**
Loss of dependency	Income – 7,000/- p.m. 7,000 x 12 = 84,000/- p.a. 84,000 – 1/4 (21000) = 63,000/- 63,000 x 13 = Rs.8,19,000/-	Income – 7,000/- p.m. 7,000/- + 25% (1,750) = 8,750/- 8,750 – 1/4 =6,562/- p.m. 6,562 x 12 x 13 = Rs.10,23,672/-
Funeral expenses	Rs.10,000/-	Rs.77,000/- (Conventional Heads)
Loss of estate	Rs.10,000/-	
Loss of consortium	Wife – Rs.5,000/-	
Interest	7.5% p.a.	7.5% p.a.
TOTAL	**Rs. 8,44,000/-**	**Rs. 11,00,672/-**

3.3. In the present appeal before this Court, the grounds sought to be urged in the memorandum of appeal were, *inter alia*, that the High Court committed an error in affirming the monthly income of the deceased to Rs. 7,000/- p.m., although his salary certificate showed the income to be Rs. 9,000/- p.m. and that the amount under the head of dependency ought to have been calculated on such basis. The second plank was that the amount towards "parental consortium" to the children of the deceased was not in accordance with law.

3.4. It may be noted that the notice on 14.08.2023, by this Court was issued for limited aspect of compensation under the head "parental consortium". However, in order to adopt a comprehensive approach, it is dealt with in its both spousal and parental consortium.

3.5. Notwithstanding the fact that this Court had issued notice confined to the question of compensation to be paid under "parental consortium", the Court in its discretion thought it fit to look into also with regard to submission on behalf of the appellants about assessment of the monthly income of the deceased. What was claimed by the appellants was that the deceased was a Chief Security Incharge, used to earn around Rs. 9,000/- p.m. including allowances. However, when the Tribunal relied on the testimony of the Director of the deceased's employer-PW3 who stated that the salary of the deceased was Rs.7,000/- p.m., therefore, Rs.84,000/- annually, the Tribunal committed no mistake.

4. Heard learned counsel Mr. Vamsikrishna Thota with learned Advocate-on-Record Mr. Kedar Nath Tripathy for the appellants and Mr. Divyansh Mishra, Advocate assisted by learned Advocate-on-Record Mr. Gopal Singh for the respondents.

5. Proceeding to consider the question about entitlement on part of the appellants- the wife and three children, the amounts to be awarded under the head of consortium, and the law developed in that regard, in **Manjuri Bera vs. Oriental Insurance Company Limited and Another**[3], this Court considered in the context of Sections 140 and 166 of the Motor Vehicles Act, 1988, the

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[3] **(2007) 10 SCC 643**

entitlement to the amount of compensation on the count of dependency. Compensation was claimed by the married daughter not dependant on the deceased while the High Court held that the claim was maintainable but dismissed the same on the ground of lack of dependency. This Court held that the devolution of the estate of the deceased which is important and not the actual dependency.

5.1. In **National Insurance Company Limited vs. Birender and Others**[4]**,** this Court considered in the facts before it as to whether the major sons of the deceased who are married and gainfully employed or earning, can claim compensation. It was held that their claim would be maintainable under Section 166(1)(c), however, quantum of compensation would depend on extent of their dependency on the deceased parent. The Court found on evidence that though major sons were earning a livelihood were still largely dependent on their deceased mother.

5.1.1. While holding that the legal representatives of the deceased are entitled to move an application for

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[4] (2020) 11 SCC 356

compensation by virtue of clause (c) of Section 166(1) of the Act, it was observed,

> "…The major married son who is also earning and not fully dependent on the deceased, would be still covered by the expression "legal representative" of the deceased. This Court in *Manjuri Bera* had expounded that liability to pay compensation under the Act does not cease because of absence of dependency of the legal representative concerned…"
>
> (Para 12)

5.1.2. Stating that the expression "legal representative" has not been defined in the Act, referring to paragraphs 9 to 12 of **Manjuri Bera** (supra), the Court observed that all legal representatives of the deceased become entitled to compensation and can file a claim petition.

5.2. In **Gujarat State Road Transport Corporation, Ahmedabad vs. Ramanbhai Prabhatbhai and Another[5],** where the question answered was whether a brother of the deceased killed in a motor vehicle accident could be able to claim compensation. The Court observed that the "legal representative" ordinarily means a person who in law represents the estate of a deceased person or a person on

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[5] (1987) 3 SCC 234

whom the estate devolves on the death of an individual. Every legal representative who suffers on account of the death of a person because of a motor vehicle accident has a remedy for realisation of compensation to be paid under different heads.

5.3. In other words, when all such persons covered within the expression "legal representative" are entitled to maintain the compensation petition and seek compensation for loss of life of the victim of a motor accident, by virtue of that very principle and in view of the concept of consortium, it is one of the heads of compensation which becomes payable in motor accident claim cases.

5.4. The head of "consortium" is part of the conventional sum to be awarded as part of the compensation. The conventional amount has been provided in the Second Schedule of the Act which was enacted in 1994 as found to be defective as observed by this Court in **U.P. State Road Transport Corporation and Others vs. Trilok Chandra and Others**[6] and in **Puttamma and Others vs. K.L.**

[6] **(1996) 4 SCC 362**

Narayana Reddy and Another[7] observing that the Second Schedule has become redundant, irrational and unworkable due to changed scenario including the present cost of living and the current rate of inflation as well as increased life expectancy.

5.4.1. Enacted in 1994, the Second Schedule contained the head general damages in case of death which provided a fixed amount of Rs. 2,000/- towards funeral expenses, Rs. 5,000/- towards loss of consortium, if beneficiary is the spouse, Rs. 2,500/- towards loss of estate and Rs. 15,000/- as a fixed amount towards actual medical expenses supported by bills and vouchers, however, starting from the decision in **Trilok Chandra** (supra), the suggested amount in the Second Schedule has not been followed, nor there has been amendment to the same.

5.4.2. In **Rajesh vs. Rajbir Singh**[8]**,** this Court discussed as to what is the concept of "consortium",

> "… In legal parlance, "consortium" is the right of the spouse to the company, care, help, comfort, guidance, society, solace, affection

[7] **(2013) 15 SCC 45**
[8] **(2013) 9 SCC 54**

and sexual relations with his or her mate. That non-pecuniary head of damages has not been properly understood by our courts. The loss of companionship, love, care and protection, etc., the spouse is entitled to get, has to be compensated appropriately. The concept of non-pecuniary damage for loss of consortium is one of the major heads of award of compensation in other parts of the world more particularly in the United States of America, Australia, etc. English courts have also recognised the right of a spouse to get compensation even during the period of temporary disablement…" (Para 17)

5.4.3. It was further stated,

> "…By loss of consortium, the courts have made an attempt to compensate the loss of spouse's affection, comfort, solace, companionship, society, assistance, protection, care and sexual relations during the future years. Unlike the compensation awarded in other countries and other jurisdictions, since the legal heirs are otherwise adequately compensated for the pecuniary loss, it would not be proper to award a major amount under this head. Hence, we are of the view that it would only be just and reasonable that the courts award at least rupees one lakh for loss of consortium." (Para 17)

5.5. This Court in **National Insurance Company Limited vs. Pranay Sethi and Others**[9] dealt with the different heads under which compensation is to be awarded to the victim who had died in a motor accident. "Loss of

[9] (2017) 16 SCC 680

consortium" is one of such heads. In **Magma General Insurance Company Limited vs. Nanu Ram and Others[10].** It was observed,

> "…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[11]."
>
> (Para 21)

5.5.1. The 'spousal consortium' normally refers to the rights pertaining to relationship of a husband and wife which allow compensation to the surviving spouse for loss of company, society, cooperation, affection and aid of the other in the conjugal relations. The consortium amount which is granted to the child is called 'parental consortium' to be paid on the premature death of a parent. It is in the nature of compensation for parental aid, protection, affection, society, discipline, guidance and training which would have been available to the child had a parent been alive. The concept of 'filial consortium' is the right of parents

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[10] **(2018) 18 SCC 130**

[11] **Rajesh v. Rajbir Singh, (2013) 9 SCC 54 : (2013) 4 SCC (Civ) 179 : (2013) 3 SCC (Cri) 817 : (2014) 1 SCC (L&S) 149**

to be compensated when there is accidental death of a child, for, parents would suffer shock and agony on loss of child during their lifetime. The filial consortium reflects the inbuilt love, affection and bond prevalent in the family for the children.

5.6. This Court in **Pranay Sethi** (supra) adopted a new, comprehensive and realistic approach and determined the amounts payable under the conventional heads namely loss of estate, loss of consortium and funeral expenses. It is relevant to notice the discussions in this regard in **Pranay Sethi** (supra).

5.6.1. It was thus stated,

> "…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."
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> (Para 52)

5.7. The 'consortium' in different categories as above is an important and indispensable head to award accident claim compensation to make the compensation amount to be just compensation. The amount is to be increased by 10% at the end of every three years as held in **Pranay Sethi** (supra).

6. In the present case, appellant No. 1 is the wife whereas appellant Nos. 2 to 4 are the sons and the daughter of the deceased. All the children are aged between 18 and 21 years. They would be legitimately and legally entitled to amount of compensation under the head of consortium, spousal as well as parental. It was never in dispute that appellant Nos. 2 to 4 were dependants of the deceased. Appellant Nos. 2 to 4, therefore, ought to have been considered as legal representatives and dependants of the deceased to be entitled to parental consortium.

6.1. The Tribunal committed a manifest error in granting only Rs. 5,000/- to the wife and did not award any parental consortium to the children. On the other hand, the High Court while enhancing the total compensation from

Rs.8,44,000/- to Rs.11,00,672/- granted collectively Rs.77,000/- under all the conventional heads. Thus, the High Court also missed its legal duty to ensure that due amount under the head of consortium is awarded in accordance with law to the appellants to arrive at just and legal compensation.

7. In light of a decision in **Pranay Sethi** (supra) and **Magma General Insurance Company Limited** (supra), each of the claimants who are the wife and the children of the deceased, would be entitled to a fixed amount Rs. 40,000/- each under the head of consortium, classified as spousal consortium for appellant No. 1 and parental consortium for appellant Nos. 2, 3 and 4. Furthermore, as observed in **Pranay Sethi** (supra), this amount has to be enhanced at the rate of 10% at the interval of every three years. Accordingly, after adding 10% each of the appellants would be entitled to Rs. 48,400/- each under the head of consortium.

7.1. As a result of the above discussion, after adding the amount under the head of 'consortium' and maintaining the amount under the head 'loss of dependency' as awarded by the High Court, finding it appropriate to increase the amount under the heads of 'Funeral expenses' and 'Loss of Estate' from Rs. 10,000/- each to Rs. 15,000/- each, the total amount of compensation payable would stand recalculated as under,

Compensation Heads	**Amounts to be awarded**
Loss of dependency	Income – 7,000/- p.m. 7,000/- + 25% (1,750) = 8,750/- 8,750 – 1/4 =6,562/- p.m. 6,562 x 12 x 13 = Rs. 10,23,672/-
Loss of consortium	(i) Spousal Consortium to Appellant No. 1 - wife. Rs. 40,000/- + 10% increase for three years = Rs. 48,400/-
	(ii) Parental Consortium to Appellant Nos. 2, 3 and 4. Rs. 48,400/- x 3 = Rs. 1,45,200/-
	Total loss of consortium – 48,400/- + 1,45,200/- = 1,93,600/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
TOTAL	**Rs. 12,47,272/-**

8. The High Court awarded total Rs. 11,00,672/- under different heads. As per the above calculation, the total amount of compensation now arrived at, by adding the consortium figures would come to Rs. 12,47,272/-. The additional amount of Rs. 1,46,600/- shall be payable with 7.5% interest from the date of filing of the petition till realisation. The Insurance Company is directed to deposit with the Tribunal concerned, the above additional amount with interest as provided, within six weeks.

9. Upon deposit of the amount by the Insurance Company, the claimants would be entitled to be paid the same in equal proportion. The Tribunal shall release the amount in favour of each of the appellants after following the process of verification etc., by directly crediting the amount in their respective bank accounts.

10. The judgment and award of the High Court is modified, and the compensation shall stand enhanced to the above extent.

11. The appeal is allowed in the aforesaid terms.

Any Interlocutory Application, if pending, shall not survive in view of the disposal of main appeal as above.

...J.
[NONGMEIKAPAM KOTISWAR SINGH]

................................J.
[N.V. ANJARIA]

NEW DELHI;
AUGUST 14, 2026.
(JS)