



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No.7935 of 2026

Smt. Neelam and Ors.

...Appellants

Versus

Ganga Singh and Ors.

...Respondents

ORDER

An unfortunate accident, wherein a tractor driven rashly and negligently mowed down a motorcycle, left a family without its breadwinner. The widow and three children of the deceased were before the Motor Accident Claims Tribunal, Gwalior, Madhya Pradesh. The Tribunal computed the monthly income of the deceased at Rs.4,000/- and awarded a compensation of Rs.6,16,000/- with interest at the rate of 7 % per annum.

2. Before the High Court, an appeal was filed in which modifications were made, enhancing the compensation to

Rs.8,26,000/- based on the decision of the Constitution Bench of this Court in ***National Insurance Co. Ltd. v. Pranay Sethi***¹.

3. The appellants, the claimants, are before this Court seeking further enhancement of the compensation. The Tribunal adopted Rs.4,000/- as the monthly income considering the fact that even an unskilled labourer would be entitled to Rs.3,000/- to Rs.3,500/- per month and since the deceased had a PAN card issued in his name, there could be marginal enhancement.

4. In fact, this Court in ***Ramachandrappa v. Royal Sundaram Alliance Insurance Co. Ltd.***² held that a Coolie would be entitled to a monthly income of Rs.4,500/- in the year 2004. The Constitution Bench decision in ***Pranay Sethi***¹ accepted the principle that there could be incremental increase on passage of time. Hence, a Coolie would be entitled to enhancement of Rs.500/- per year in which circumstances in the year 2010, the monthly income for a Coolie can be safely determined at Rs.7,500/- per month.

5. In the present case, the deceased was said to have been running a business of erecting tents for events and carrying out

¹ (2017) 16 SCC 680

² (2011) 13 SCC 236

decoration work therein. There were also witnesses proffered to depose that they had been the clients of the deceased. However, no documentary proof has been produced to substantiate this claim and despite the deceased having obtained a PAN card, there was no Income Tax Return filed. However, the issuance of a PAN card in the name of the deceased and the oral evidence led before the Tribunal would persuade us to assume that the deceased had a monthly income more than that of a Coolie. The claim before the Tribunal, which was not substantiated, was of Rs.15,000/- per month. We are of the opinion that the monthly income of the deceased can be safely determined to be Rs.10,000/-.

6. Though, the High Court had adopted the principle in ***Pranay Sethi***¹ loss of consortium was granted only to the wife. This Court in ***New India Assurance Company v. Somwati and Ors.***³ held that not only spousal consortium, filial consortium can also be granted to the children for having lost the company of their father.

7. The total amounts awarded, hence would be as per the following computation:

³ (2020) 9 SCC 644

S. No.	Particulars	Amount
1.	Loss of Income (10,000 x 140% x 12 x 15 x 3/4	Rs.18,90,000/-
2.	Loss of Consortium	Rs.1,20,000/-
3.	Loss of Estate	Rs.15,000/-
4.	Funeral Expenses	Rs.15,000/-
	Total	Rs.20,40,000/-

8. The above amount shall be paid to the appellants with interest at the rate of 7%, after deducting what has already been paid, within a period of two months.

9. Further, if the children of the deceased have attained majority, there is no need to deposit the amount in fixed deposit as directed by the Tribunal.

10. The appeal stands allowed with the above directions.

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

..... J.
(SANJAY KUMAR)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
MAY 15, 2026.**