

FAO-5821-2019 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-5821-2019 (O&M)
Date of decision : 19.09.2025

Pooja Rani and others

...Appellants

Versus

Ravinder Gaba and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. K.S. Dhanora, Advocate,
for the appellants.

None for respondent Nos.1 & 2, despite service.

Mr. Shashi Kumar Yadav, Advocate,
and Mr. Ankit Kumar Sangwan, Advocate,
for respondent No.3.

HARPREET KAUR JEEWAN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellants aggrieved against the quantum of compensation awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as the 'Tribunal') vide award dated 02.05.2019.

2. Since the factum of the accident is not in dispute, the facts as recorded in the impugned award passed by the Tribunal, are not being reproduced herein for the sake of brevity.

3. The Tribunal had awarded the following compensation in the present case:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.8,300/-
2.	Future prospects @ 40%	[Rs.8,300 + 3320] = Rs.11,620/-
3.	Deduction 1/3 rd	[Rs.11,620/- – Rs.3,873] = Rs.7,747/-
4.	Annual income	[Rs.7,747 X 12] = Rs.92,964/-
5.	Multiplier of '18'	[Rs.92,964 x 18] = Rs.16,73,352/-
6.	Loss of dependency	Rs.16,73,352/-



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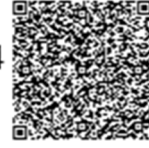
7.	Loss of consortium to petitioner No.1	Rs.40,000/-
8.	Funeral and conveyance expenses	Rs.15,000/-
9.	Loss of Estate	Rs.15,000/-
	Total Compensation	Rs.17,43,352/-
	Interest @ 7.5% per annum	

4. Learned counsel for the claimant-appellants contends that the Tribunal has erred in not awarding consortium to all the claimants and only a sum of Rs.40,000/- has been awarded to the wife of the deceased. It is further contended that keeping in view the number of dependents, the deduction on account of personal expenses from the income of the deceased should be 1/4th instead of 1/3rd, as considered by the Tribunal. Cites *National Insurance Company Ltd. vs. Pranay Sethi & Ors., (2017) 16 SCC 680*, *Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors., (2018) 18 SCC 130* and *N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd., 2021(4) RCR (Civil) 642*.

5. On the other hand, learned counsel appearing on behalf of respondent No.3-Insurance Company submitted that the Tribunal has rightly determined the compensation and even the deduction towards personal expenses at the rate of 1/3rd is justified since brother of the deceased cannot be held as dependent, however, it is admitted that the Insurance Company has not challenged the Award.

6. I have considered the aforesaid submissions and perused the paper-book.

7. The appellants Tanishq Aggarwal being minor son, Sinder Kaur being mother and Yogesh Kumar being 20 years old brother of the deceased are also entitled to compensation on account of loss of



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consortium. It is well settled that even the child and parents of the deceased are entitled to loss of filial and parental consortium, respectively. As such, the claimant-appellant Nos.2 to 4 are also held entitled to Rs.1,20,000/- (Rs.40,000/- X 3) towards loss of consortium (filial and parental).

8. It is also not disputed that the Tribunal has considered and held that all the claimants were dependent upon the deceased at the time of his death. Even the Insurance Company has not challenged the said findings. In such circumstances, the deduction towards personal expenses of the deceased should be 1/4th instead of 1/3rd as considered by the Tribunal.

9. Accordingly, the reworked compensation is as under:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.8,300/-
2.	Future prospects @ 40%	[Rs.8,300 + 3320] = Rs.11,620/-
3.	Deduction 1/4 th	[Rs.11,620/- – Rs.2,905] = Rs.8,715/-
4.	Annual income	[Rs.8,715/- X 12] = Rs.1,04,580/-
5.	Multiplier of '18'	[Rs.1,04,580 x 18] = Rs.18,82,440/-
6.	Loss of dependency	Rs.18,82,440/-
7.	Loss of consortium	Rs.1,60,000/-
8.	Funeral and conveyance expenses	Rs.15,000/-
9.	Loss of Estate	Rs.15,000/-
	Total Compensation	Rs.20,72,440/-
	Interest @ 7.5% per annum	

10. The amount in excess of the amount awarded by the Tribunal shall attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

11. In view of the decision by the Hon'ble Supreme Court in *Parminder Singh vs. Honey Goyal & Ors., 2025 INSC 361*, after calculation of the enhanced amount, the same shall be transferred by respondent No.3-Insurance Company in the Bank Accounts of the



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claimant-appellants within a period of 06 weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent No.3-Insurance company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

12. In view of the above discussion, the present appeal is partly allowed and the award passed by the Tribunal is modified accordingly.

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

19.09.2025

Sapna Goyal/atulsethi

**[HARPREET KAUR JEEWAN]
JUDGE**

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No