

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

2025.PHHC.115821



**FAO-1218-2021 (O&M)
DATE OF DECISION : 28.08.2025**

**PARAMJIT KAUR AND OTHERS ... APPELLANTS
V/S
LAKHBIR SINGH AND OTHERS ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Vijay Lath, Advocate and
Mr. Naveen Sharma, Advocate for the appellants.

Mr. D.K.Prajapati, Advocate for
respondent No.3-Insurance Company.

* * *

PARMOD GOYAL, J. (ORAL)

CM-9372-CII-2021

Allowed, as prayed for.

Main appeal

Present appeal has been preferred by claimants – appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Shaheed Bhagat Singh Nagar (hereinafter referred to as ‘Tribunal’) vide impugned award dated 04.02.2020 in a motor vehicular accident which occurred on 27.05.2019. Vide impugned award, learned Tribunal has concluded that claimant nos. 1 to 3 i.e. appellant nos. 1 to 3 alone are entitled to compensation on account of dependency whereas appellant no.4, married daughter of deceased was held not dependent and hence was held not entitled to compensation.

2. Learned counsel for the appellants has argued that

learned Tribunal has erred in not granting compensation to appellant no.4 and has, therefore, wrongly taken personal deduction to be 1/3rd instead of 1/4th and she accordingly sought enhancement on this account. Learned counsel for appellants further argued that learned Tribunal has failed to grant any compensation to appellant no.4 and appellant no.4 being daughter was entitled to compensation under the head of consortium. Reliance has been placed on the judgement of Hon'ble Supreme Court of India titled as ***Seema Rani and others Vs. Oriental Insurance Company Limited, 2025 Vol. II RCR (Civil) 48*** wherein it was held that major and married earning children of deceased being Legal representatives have a right to apply for compensation irrespective of their dependency status on the deceased.

3. On the other hand, learned counsel for respondent No.3- Insurance Company has placed reliance upon judgement of Hon'ble Supreme Court of India in ***Deepshikha and another Vs. National Insurance Co. Ltd and others 2025(3) RCR (Civil) 217*** wherein by relying upon judgement of ***Manjuri Bera Vs. The Oriental Insurance Company Limited, 2007 (10) SCC 643***, the Hon'ble Supreme Court had decided that married daughter of deceased is not entitled to any loss of dependency unless financial dependency is proved.

4. On consideration, I find that there is no doubt regarding legal proposition that legal representatives of a deceased can always invoke jurisdiction of Tribunal under Motor Vehicles Act for seeking compensation. However, this principle has to be read in the light of judgement of ***Manjuri Bera*** (supra) where legal heirs who were not dependant on deceased were found entitled to loss of estate alone and not for loss of dependency. Harmonious reading of all the judgements referred by learned counsel for

the appellant as well as respondent, therefore, makes it clear that as far as maintainability of claim petition is concerned, a legal heir who may be dependent or not dependent can apply for seeking compensation. However, unless dependency is found, claimants would not be entitled to compensation under the head loss of dependency.

5. In the present case also there is no material available from which it can be concluded that appellant no.4, who is married daughter of the deceased was financially dependent upon deceased. In these circumstances, the ratio of judgement titled as Deepshikha and another (supra) is fully applicable. Appellant no.4, the married daughter of the deceased is not entitled to any compensation under the head loss of dependency. However, I am in agreement with learned counsel for the appellant that appellant no.4 cannot be excluded in totality for seeking compensation. Appellant no.4 is entitled to seek compensation under the head loss of estate and also entitled to parental consortium irrespective of marital status. The love, affection and care towards own child never ends till the end of life and therefore, appellant No.4 is also entitled to seek compensation under the head of loss of estate as well as consortium. Therefore, appellant no.4 would be entitled to 1/4 share out of compensation for loss of estate granted by the learned Tribunal and additional Rs.40,000/- towards consortium is awarded to appellant no.4.

6. It is worth noticing that learned Tribunal has not granted any loss of consortium to appellant nos. 2 and 3. Accordingly, they are also entitled to award of Rs.40,000/- each on account of consortium.

Accordingly, appellants are entitled to enhanced compensation of Rs.1,20,000/- over and above the compensation of Rs.32,58,000/- awarded by the learned Tribunal as under:-

Income of deceased	Rs. 31,500/- per month as per salary	Rs. 31,500/- per month
Addition towards future prospects	15%	Rs.36,225/- (Rs. 31,500/- + Rs.4,725/-)
Deduction on account of personal expenses of deceased	1/3 rd	Rs.24,150/- (Rs.36,225/- - Rs.12,075/-)
Selection of multiplier	11	11
Loss of dependency	Rs.24,150/- x 11 x 12	Rs. 31,87,800/-
Loss of Estate	Rs. 15,000/-	
Funeral expenses	Rs. 15,000/-	
Loss of spousal consortium	Rs. 40,000/-	
Loss of parental consortium to claimants No. 2, 3 and 4	Rs. 40,000/- x 3	Rs.1,20,000/-
Total compensation awarded to the claimants in appeal	Rs. 33,77,800/- (rounded off to Rs. 33,78,000/-)	Rs. 33,78,000/-
Total compensation awarded by the Tribunal	Rs. 32,58,000/-	Rs. 32,58,000/-
Enhanced amount of compensation	Rs. 1,20,000/- (Rs. 33,78,000/ (Awarded in appeal) - Rs. 32,58,000/- (Awarded by Tribunal)	Rs. 1,20,000/-

7. Let the same be paid by respondent No.3-Insurance Company to the claimants-appellants along with interest @ 7.5% p.a. from the date of filing of the claim petition till its realisation as per award.

8. Appeal is, accordingly, disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

28.08.2025

Janki

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No