



HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal From Order No. 542 of 2017

Shriram General Insurance Ltd. Appellant

Versus

Smt. Deepa Devi and others Respondents

Present:-

Mr. Prabhat Pande, Advocate for the appellant through video conferencing.

Mr. Vikas Bahuguna, Advocate for the respondent no.1.

Mr. Karan Anand, Advocate for the respondent no.2.

Hon'ble Ravindra Maithani, J. (Oral)

Instant appeal is preferred against the judgment and order dated 30.06.2017, passed in Motor Accident Claim Petition No. 28 of 2017, Smt. Deepa Devi Vs. Shahid Ali and others, by the Motor Accident Claims Tribunal/1st Additional District Judge, Rishikesh, District Dehradun. By it, the petition filed by the respondent no.1/claimant under Sections 140 and 166 of the Motor Vehicles Act, 1988 has been allowed and the appellant has been directed to pay Rs.14,48,450/- as compensation alongwith interest to the respondent no.1/claimant.

2. Heard learned counsel for the parties and perused the record.

3. The challenge in this appeal is made to the amount of compensation awarded under two heads, therefore, the factual aspects need not be discussed. The Tribunal has awarded the compensation as follows:-

SL. No.	Particulars	Amount
1.	Annual income of the deceased	Rs.155700/-
2.	Deduction on half of the total income on personal expenses	Rs. 155700 – Rs.77850 = Rs.77850
3.	Deceased was 27 years of age, hence the multiplier of 17 is applicable thereafter income	Rs. 77850 x 17 = Rs.1323450
4.	Funeral Expenses	Rs.25,000/-
5.	Loss of Love and affection	Rs. 1,00,000/-
6	Total	Rs.1,44,8450/-

4. Learned counsel for the appellant submits that for love and affection separate compensation is not required to be given now. Under the head of “Loss of Consortium” it is covered. Therefore, instead of Rs.1,00,000/- awarded to the respondent no.1/claimant under the head “Loss of Love and Affection”, she is entitled to get compensation of Rs.40,000/- under the head of “Loss of Consortium” and under the head of “Funeral Expenses”, Rs 15,000/- is to be awarded, instead of Rs. 25,000/-, in view of the law, as laid down by the Hon’ble Supreme Court, in the case of National Insurance Company Limited Vs. Pranay Sethi and others, (2017) 16 SCC 680.

5. In the case of United India Insurance Company Limited vs. Satinder Kaur alias Satwinder Kaur and others, (2021) 11 SCC 780, the Hon’ble Supreme Court has held that compensation under loss of consortium may be awarded and in that situation separate compensation under the head of loss of love and affection is not to be given.

6. In the case of Pranay Sethi (*supra*), the Hon’ble Supreme Court has categorically held in para 59.8 that under funeral expenses Rs.15,000/- is to be paid.

7. In the case of Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram and others, (2018) 18 SCC 130, the Hon’ble Supreme Court held that under each consortium Rs.40,000/- is to be paid.

8. Therefore, this Court is of the view that the respondent no.1/claimant is entitled to get Rs.15,000/- instead of Rs.25,000/-, as awarded by the Tribunal under the head of funeral expenses. This Court is also of the view that under the head of “loss of consortium”, the respondent no.1/claimant is entitled to Rs.40,000/- instead of Rs.1,00,000/-. Accordingly, the computation comes as follows:-

SL. No.	Particulars	Amount
1.	Annual income of the deceased	Rs.155700/-
2.	Half of the total income on personal expenses	Rs. 155700 – Rs.77850 = Rs.77850
3.	Deceased was 27 years of age, hence the multiplier of 17 is applicable thereafter income	Rs. 77850 x 17 = Rs.1323450

4.	Funeral Expenses	Rs.15,000/-
5.	Loss of Love and affection	Rs. 40,000/-
6	Total	Rs.13,78,450/-

9. Therefore, this Court is of the view that the respondent no.1/claimant is entitled to get compensation of Rs.13,78,450/-. The respondent no.1/claimant shall also be entitled to interest as awarded by the Tribunal.

10. Accordingly, the amount of compensation awarded by the Tribunal is reduced and the appeal deserves to be allowed.

11. The appeal is allowed accordingly.

(Ravindra Maithani, J.)
23.07.2026

Jitendra