



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

FAO-2155-2021 (O&M)
Date of Decision: December 01, 2025

Gurdeep Singh and another

...Appellants

VERSUS

Ramesh Kumar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Naveen Singh Mandhan, Advocate
for the appellants.

ARCHANA PURI, J.

CM-11109-CII-2021

Present application has been filed for seeking condonation of delay of 109 days in filing the main appeal.

In view of the averments made in the application, same is allowed and delay of 109 days in filing the main appeal is hereby condoned.

FAO-2155-2021

The present appeal has been filed by the appellants, for seeking enhancement of compensation, awarded by learned Tribunal, on account of death of Balwinder Kaur, in a motor vehicular accident.

Perusal of the impugned Award reveals that the liability fastened upon the respondents is joint and several. In the given circumstances, for the time being, notice is issued to respondent-Insurance

Company only.

At this stage, Mr.Gopal Mittal, Advocate, accepts notice on behalf of respondent No.3-Insurance Company.

Counsel for the parties heard.

So far as, factum of the accident and manner of taking place of the same is concerned, the same is not disputed by the insurance company. No counter appeal, as such, has also been filed by the insurance company

On appraisal of the evidence, brought on record, it was concluded by learned Tribunal that the accident had taken place on 10.07.2017 and the same was caused, due to rash and negligent driving of Moped bearing registration No.HR-78A-0810, being driven by respondent No.1-Ramesh Kumar. As a result of this accident, Balwinder Kaur had died. So far as, the aforesaid facts are concerned, the same are not disputed by the insurance company.

Considering the deceased, who was about 60 years old, the compensation was worked upon, while denying the compensation to married daughter namely Gurjeet Kaur. The compensation worked upon by the Tribunal, is reproduced in tabular form as herein given:-

Income	Rs.5,000/- per month
Deduction towards personal expenses 50% considering one dependent	Rs.5000-50%=Rs.2500/- per month
Considering the age multiplier of '9' applied	Rs.2500x12x9=Rs.2,70,000/-
Loss of Estate	Rs.15,000/-
Funeral expenses	Rs.15,000/-
Medical Bills	Rs.41,951/-
Total	Rs.3,41,951/-

However, the ‘**work on**’ of the compensation, do call for re-computation.

Both the appellants are married children of deceased Balwinder Kaur. No doubt, compensation has already been paid to the married son, with whom the deceased was residing, but the married daughter has been deprived of the compensation.

However, it is settled position of law that all the LRs are entitled to file an application for seeking compensation, on account of death of their parents. Though, Gurjeet Kaur is a married daughter, living in her matrimonial home, but however, looking at the conditioning of Indian society, the married daughters are dependent, off and on, upon their parents, more particularly the mother, even though, they may reside happily in their matrimonial home. Not only this, even as per '*Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*', all the dependents are also entitled to loss of consortium.

In the given circumstances, married daughter Gurjeet Kaur of the deceased is also entitled to seek compensation, though the extent of the same, to be awarded, may be taken into consideration.

In this backdrop, the compensation to be awarded, is to be worked upon, as per prevalent settled law.

The amount of notional earnings of deceased Balwinder Kaur has been taken as Rs.5000/- per month, which is miserably low. It is less than the minimum wages, prevalent at the relevant time. At the relevant time, the minimum wages for skilled worker was Rs.8694/- per month. Looking at the kind of onerous duties, the lady of the house performs, more particularly, performing the duties with no vested interest and considering the minimum wages, prevalent at the relevant time, in modest estimate, the notional earnings are taken as **Rs.9000/-** per month.

As both the appellants are held entitled to compensation, the deduction, on the count of ‘personal expenses’ has to be made to the extent of 1/3rd. However, as per the date of birth, coming on record, as reflected in paragraph No.19 of the Award i.e. 01.09.1957 and taking it to be so, deceased Balwinder Kaur was above 60 years, at the relevant time. In the light of the same, no addition has to be made, on the count of ‘future prospects’. As per *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, ‘9’ is the suitable multiplier, as applied by learned Tribunal.

Besides the aforesaid, under the conventional heads also, on the count of ‘loss of consortium’, as per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, the prevalent amount payable is **Rs.48,400/-**. As per *Magma’s case (supra)*, the compensation is required to be paid, on the count of ‘loss of consortium’ to all the dependents and therefore, the same is payable to both the appellants-claimants. Even, on the count of ‘loss of estate’ and ‘funeral expenses’, the amount now payable is **Rs.18,150/-** on each count.

Moreover, learned Tribunal has appropriately granted an amount of **Rs.41,951/-**, on the count of ‘medical expenses’.

Thus, the total compensation to be granted to the appellants-claimants is re-computed, as herein given:-

Notional earnings	Rs.9,000/-
Deduction of 1/3rd	Rs.9,000-3,000=Rs.6,000/-, annual whereof is Rs.72,000/-
Multiplier of ‘9’	Rs.72,000x9= Rs.6,48,000/-
Loss of consortium to all dependents	Rs.48,400x2= Rs.96,800/-
Loss of estate	Rs.18,150/-

Funeral expenses	Rs.18,150/-
Medical expenses	Rs.41,951/-
Total	Rs.8,23,051/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.8,23,051-3,41,951=Rs.4,81,100/-**. On the enhanced amount of the compensation i.e. **Rs.4,81,100/-**, the appellants-claimants, shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. Out of the amount of compensation as now worked upon i.e. Rs.8,23,051/-, appellant-claimant No.1 is held entitled to Rs.4,23,051/- and appellant-claimant No.2 is held entitled to Rs.4,00,000/-.

The impugned Award dated 01.08.2019 stands modified, to the extent, as indicated aforesaid. The remaining terms, with regard to the liability to pay the compensation, shall remain the same.

With the above observations, the present appeal stands allowed.

December 01, 2025

Vgulati

(ARCHANA PURI)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes

Yes/No