IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3124-2002 (O&M) &
FAO-2306-2001 (O&M)

Date of decision: 28.10.2025

Amrit Pal Kaur Etc. ...Appellant

Versus

Nirbhey Singh Etc. ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sanjiv Pabbi, Advocate
for the appellant in FAO-2306-2001.

Mr. Kashish Garg, Advocate
for the respondent Nos.1 to 4.

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DEEPAK GUPTA, J. (ORAL)

1. Vide an award dated 04.04.2001, Learned Tribunal had assessed the compensation payable to the LRs of deceased Harbans Singh at ₹6,30,000/-. The annual income of the deceased was ₹72,000/-, as he was a Constable, on salary. Learned Tribunal had made 1/3rd deduction and by applying the multiplier of 13, the compensation was calculated.

2. The claimants who are the widow, 2 minor children and mother of the deceased filed the appeal bearing FAO-3124-2002 seeking enhancement; whereas, the Insurance Company filed FAO-2306-2001 seeking exemption of its liability.

3. It is fairly conceded by learned counsel for insurance company that in a connected matter arising out of the same accident, this Court in FAO-935-2000 titled *'Oriental Insurance Company Vs. Kiran Kaur',* decided on 18.05.2011, had dismissed the appeal of the insurance company by holding it to be liable for making the payment of compensation. Learned counsel has no information as to whether the above matter was taken to

the Hon'ble Supreme Court. As such, FAO-2306-2001 as filed by the insurance company is hereby dismissed.

4. Coming to the appeal of the claimants, the annual income of the deceased works out to be ₹72,000/-. Since, the deceased was a Constable i.e. holding a permanent job, so, 50% amount is liable to be added towards future prospects, which will bring the income to ₹1,08,000/-. There being 4 claimants, 1/4th deduction is liable to be made for self expenses and after this deduction, the annual loss of dependency works out to be ₹81,000/-. Age of the deceased being 32 years, the proper multiplier is 16 and as such, the total loss of dependency works out to be ₹12,96,000/-

5. Although, learned counsel for the appellants-claimants submits that 4 claimants are entitled to the loss of consortium/filial consortium to the extent of ₹40,000/- each, as per ***"National Insurance Company Limited v. Pranay Sethi and others"*** 2017(4) RCR (Civil) 1009, but considering the fact that the accident took place way back in 1998, it will not be justiciable to grant loss of consortium at that rate. In the opinion of this Court, it will be fit to grant the compensation for loss of consortium @ ₹10,000/- per claimant. Besides ₹10,000/- each for loss of estate and funeral expenses are granted. That will make the total compensation amount to be ₹13,56,000/-.

6. After deducting ₹6,30,000/- already awarded by the Tribunal, the enhanced amount of compensation works out to be ₹7,26,000/-. As such, it is directed that appellants-claimants shall be entitled to the enhanced compensation amount of ₹7,26,000/- along with interest at the rate 7.5% per annum, from the date of filing of the claim petition, till actual realization.

7. As is pointed out by the learned counsel that learned Tribunal

had awarded interest from the date of award, the order to that effect is modified by holding that even the amount of compensation as awarded by the Tribunal shall be payable along with interest from the date of filing of the claim petition till payment. The proportion, in which the enhanced amount is to be disbursed to the claimants, shall be the same as awarded by the Tribunal.

8. Disposed of.

28.10.2025 **(DEEPAK GUPTA)**
Yogesh **JUDGE**

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