IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-3802-2025(O&M)
Date of decision: 13.11.2025

Jaswinder Kaur & Others

...Appellant(s)

Vs.

Tejinder Singh & Others

...Respondent(s)

***

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Dr. Sumati Jund, Advocate
for the appellants.

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NIDHI GUPTA, J.

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.14,79,353/- awarded by the Motor Accident Claims Tribunal, Rupnagar (hereinafter 'the learned Tribunal') vide Award dated 21.02.2025 passed in MACP/254/2022 dated 16.12.2022 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the 56-year-old widow, 37-year-old son, 34-year-old son and 36-year-old daughter of deceased Sohan Singh, who was 60 years old at the time of accident.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Sohan Singh had died due to the injuries suffered

by him in a motor vehicular accident that took place on 29.11.2022 due to the rash and negligent driving of car bearing registration No.HP-12-E-5219 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2, and insured by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that nothing has been awarded to the claimants/appellants No.2 to 4 by the of parental consortium. It is submitted that being children of the deceased, the said claimants were entitled to Rs.48,000/- each by way of parental consortium. It is also submitted that income of the deceased has been wrongly assessed as Rs.17,313/- per month. It is pointed out that the deceased was receiving pension of Rs.44,282/-per month; and now, the appellant No.1/widow is receiving Rs.26,969/- towards Family Pension. The income has been assessed after deducting the said amount of Rs.26,969/- being received by the appellant No.1/widow towards Family Pension from the total pension amount of Rs.44,282/- which was last received by the deceased merely prior to his death. It is contended that the said deduction cannot be made. Ld. counsel accordingly prays that impugned Award be modified as above.

4. No other argument is made on behalf of the appellants. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of learned counsel for the appellants.

5. Argument of learned counsel that Family Pension being received by claimant/appellant no.1/widow cannot be deducted while computing income of the deceased, is liable to be rejected in view of the recent judgments of the Hon'ble Supreme Court in **Vishavjit Singh v. Cholamandalam Ms General Insurance Company Limited, (SC) : Law Finder Doc Id # 2753589**, decided on 21.05.2025, wherein it is held that: –

> *"9. The issue with regard to the reduction of the deceased's income from Rs. 22,712/- (Rupees Twenty Two Thousand Seven Hundred Twelve) per month to Rs. 6,500/-(Rupees Six Thousand Five Hundred) per month, upon scrutiny, appears to be justified. Since, the deceased was a pensioner and there was no evidence of any independent source of income, the High Court has rightly held that the amount being received by the widow as family pension had to be deducted. Accordingly, we find no ground to interfere with the income of the deceased as assessed by the High Court at Rs. 6,500/- (Rupees Six Thousand Five Hundred) per month."*

(Emphasis added)

6. Reference is also made to a judgment passed by this Court in **ICICI Lombard General Insurance Company Ltd. v. Priya PS, (Punjab And Haryana) : Law Finder Doc Id # 2804935**; wherein it is held that "*Compensation in motor accident cases - Family pension cannot be added to*

the income of deceased for determining loss of dependency – Only notional income of deceased as determined by Tribunal to be considered.”

7. Reference is also made to judgment of the Hon’ble Supreme Court in ***Krishna & Ors. - Versus Tek Chand & Ors. (SC); Law Finder Doc Id # 2531576, decided on 05.02.2024;*** wherein it is held as under:-

> *“6. …… In the case of a motor vehicle accidents, when negligence is proved, loss of dependency is compensated for the very same reason. In our view, there cannot be a duplication in payments or a windfall owing to a misfortune.*
>
> *In another words, on the death of the person in harness, owing to a road traffic accident the dependents of a deceased cannot be doubly benefited as opposed to those who are dependents of a deceased who dies owing to illness or any other reason under the Rules formulated by the Haryana Government.”*

(Emphasis added)

8. In view of the legal position enunciated above, it is clear that the family pension being received by the appellant was liable to be deducted while computing income of the deceased.

9. Further, the learned Tribunal has awarded compensation to the appellants in the following manner:-

Head	**Amount**
Monthly income	Rs.17,313/-
Annual income	Rs.2,07,756/-
Future prospects	Nil
Total income	Rs.2,07,756/-
Deduction of 1/4th towards personal expenses	Rs.2,07,756/- - Rs.51,939/- = Rs.1,55,817/-
Multiplicand	Rs.1,55,817/-

Multiplier	Rs.1,55,817/- x 9 = Rs.14,02,353/-
Loss of spousal consortium to claimant No.1	Rs.44,000/-
Loss of estate	Rs.16,500/-
Funeral expenses	Rs.16,500/-
Total	**Rs.14,79,353/-**

10. A perusal of the above table shows that learned Tribunal has taken the claimants No.2 to 4 to be dependents upon the deceased and has accordingly made a deduction of 1/4th towards personal expenses. Whereas the said claimants being 37, 34 and 36 years old respectively, cannot be held to be financially dependent upon the deceased. Nothing has been brought on record by the claimants to show that the said claimants were financially dependent upon the deceased. Even further, admittedly, claimant/appellant No.4 is the married daughter of the deceased; and can therefore, not be held to be dependent. Reliance may be placed upon judgment of Hon'ble Supreme Court in **Deep Shikha v. National Insurance Company Ltd., (SC) : Law Finder Doc ID # 2729764**; wherein it is held that married daughter of the deceased is not entitled to compensation, unless financial dependency is proved. As such, keeping in view the above factual and legal position, a deduction of 50% ought to have been made towards personal expenses. Clearly, therefore, appellants have already received compensation in excess of what is payable to them as per law. Therefore, no ground is made out to enhance the compensation. Present appeal accordingly stands **dismissed.**

11. Pending application(s) if any also stand(s) disposed of.

13.11.2025 **(Nidhi Gupta)**
Sunena **Judge**

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