

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****245****FAO-5244-2019(O&M)****Date of decision: 02.09.2025****Parvinder Kaur & Another****...Appellant(s)****Vs.****Jasdev Singh @ Badshah & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ishan Cooner, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3-Insurance Company.

*********NIDHI GUPTA, J.**

Present appeal has been filed by the daughters of the deceased Surinder Kaur who had died in a motor vehicular accident that took place on 14.03.2017 at about 1:10 pm due to the rash and negligent driving of tanker bearing registration No.HR-37D-8209 (hereinafter "the offending vehicle") by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3. The Claim Petition had been filed by 50-year-old husband, 32-year-old son and 27-year-old son of deceased Surinder Kaur/father and brothers of the present appellants



under Section 166 of the Motor Vehicles Act. Present appellants were the pro-forma respondents No.4 and 5 before the Tribunal.

2. It is the contention of the appellants that vide the impugned Award, compensation of Rs.9,41,200/- has been awarded only to the claimants and not to the appellants. It is submitted that being the daughters of the deceased, the appellants were also entitled to compensation. It is accordingly prayed that the impugned Award be modified.

3. Learned counsel for respondent No.3-Insurance Company submits that the impugned Award suffers from no error and the present appeal deserves to be dismissed. Learned counsel further submits that the appellants are not entitled to compensation as they are the married daughters of the deceased.

4. No other argument is made on behalf of the parties.

5. I have heard learned counsel and perused the case file in detail.

6. A perusal of the record of the case shows that the appellants were duly represented by counsel before the learned Tribunal as pro-forma respondents No.4 and 5. Despite Court query, nothing has been brought to the notice of this Court that any application was filed by the appellants before the learned Tribunal seeking to transpose them as claimants therein.

7. Furthermore, admittedly, the appellants are the married daughters of the deceased who are residing happily in their respective matrimonial homes. Accordingly, the learned Tribunal had placed reliance



upon judgment of the Hon'ble Supreme Court in case of **Smt. Manjuri Bera v. The Oriental Insurance Company Ltd., (SC) : Law Finder Doc Id # 126848**, and held that the appellants being married daughters of the deceased Surinder Kaur would not be entitled to compensation. In a most recent judgment dated 13.05.2025, Hon'ble Supreme Court in **Deep Shikha v. National Insurance Company Ltd., (SC) : Law Finder Doc ID # 2729764**; has held as under: -

"Compensation under the Motor Vehicles Act, 1988 – Married daughter of deceased not entitled to compensation for loss of dependency unless proven financial dependency – Elderly mother of deceased considered dependent and awarded enhanced compensation.

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"11. The only question before us is whether the Appellants are entitled to compensation as awarded by the Tribunal on account of being dependent on the deceased.

12. The Appellants claim that they were entirely dependent on the deceased. The deceased was married but her husband had left her soon after the birth of Appellant No. 1 (her daughter), after which Appellant No. 2 (her mother) was living with the deceased daughter.

13. Once a daughter is married, logical presumption is that she now has rights on her matrimonial household and is also financially supported by her husband or his family, unless proven otherwise. It is more than likely that her dependence on her natal family, including her mother has now ceased. Sections 166 and 168 of the Motor Vehicles Act, 1988 focus on



the financial relationship between the deceased and the Claimant. A married daughter may be considered a legal representative, as per Manjuri Bera, but she will not be eligible for loss of dependency compensation unless it is proven by the daughter that she was financially dependent on the deceased. Thus, it is clear from the record that Appellant No. 1 has failed to prove that she was being financially supported by her mother post marriage and hence cannot be said to be a dependent of her mother, the deceased.

14. Therefore, it is our opinion the High Court correctly relied on Manjuri Bera while holding that Appellant No.1, as the legal representative of the deceased, will only be entitled to compensation envisaged in Section 140 of the Motor Vehicle Act, 1988 as liability under the same does not cease to exist in the absence of dependency.” (Emphasis added)

8. Learned counsel for the appellants is unable to dispute the above said factual and legal position.
9. In view of the above, present appeal is **dismissed**.
10. Pending application(s) if any also stand(s) disposed of.

02.09.2025
Sunena

(Nidhi Gupta)
Judge

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