



FAO-5966-2019 (O&M)
FAO-6055-2019 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Decided on 11.12.2025

(I) FAO-5966-2019 (O&M)

Raj Bala and another

...Appellants

Versus

Sahil and others

...Respondents

(II) FAO-6055-2019 (O&M)

Babita and others

...Appellants

Versus

Sahil and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Virendra Rana, Advocate for the appellant(s).

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

HARPREET KAUR JEEWAN, J. (Oral)

1. Both the aforementioned appeals are arising out of the same accident and out of the same Award dated 15.05.2019, passed by the Motor Accident Claims Tribunal, Gurugram (*hereinafter referred to as 'the Tribunal'*), as such, taken up together.

2. The appellants-Raj Bala and another have been granted compensation amounting to Rs.13,92,442/- on account of death of their son, Leelu Singh @ Sumit, whereas appellants-Babita and others have been awarded a sum of Rs.17,60,290/- on account of death of Manjeet. In both the case, the appellant-claimants were also held entitled to interest @ 12% per annum from the date of filing of the petition till realization of the awarded amount.



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3. There is no challenge regarding the observations of the Tribunal on the point of negligence and holding respondent No.3-Insurance Company liable to satisfy the Award, though the liability of the owner, driver and the Insurance Company has been held as joint and several.

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4. The Tribunal awarded following compensation to the claimants-Raj Bala and another: -

Sr. No.	Heads	Compensation Awarded
1.	Loss of dependency	Rs.12,51,967/-
2.	Medical expenses	Rs.30,475/-
3.	Loss of estate	Rs.15,000/-
4.	Loss of filial consortium	Rs.80,000/- (Rs.40,000/- each)
5.	Funeral expenses	Rs.15,000/-
	Total Compensation	Rs.13,92,442/-
	Interest @ 12% per annum	

5. Learned counsel for the appellant-claimants contends that the compensation on account of loss of estate, funeral expenses and filial consortium has not been adequately awarded by the Tribunal. Reliance in this regard has been placed *National Insurance Company Ltd. vs. Pranay Sethi & Ors., (2017) 16 SCC 680*, *Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors., (2018) 18 SCC 130* and *N. Jayasree & Ors. vs. Cholanmandalam M.S General Insurance Company Ltd., 2021(4) RCR (Civil) 642*.

6. On the other hand, learned counsel appearing on behalf of respondent No.3-Insurance Company submitted that the Tribunal has passed a well-reasoned award and there is no scope for interference in the same.



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7. I have considered the aforesaid submissions and perused the paper-book.

8. A limited challenge has been made to the findings of the Tribunal, i.e. the quantum of compensation under the heads 'loss of estate' and 'filial consortium'. In view of the decisions in *Pranay Sethi (supra)*, *Magma General Insurance Company Limited (supra)* and *N. Jayasree (supra)*, the claimants are entitled to an amount of Rs.18,000/- towards 'loss of estate'; Rs.18,000 towards 'funeral expenses'; and Rs.48,000/- each on account of filial consortium.

9. Accordingly, the reworked compensation is as under:-

Sr. No.	Heads	Compensation Awarded
1.	Loss of dependency	Rs.12,51,967/-
2.	Medical expenses	Rs.30,475/-
3.	Loss of estate	Rs.18,000/-
4.	Loss of filial consortium	Rs.96,000/- (Rs.48,000/- each)
5.	Funeral expenses	Rs.18,000/-
	Total Compensation	Rs.14,14,442/-
	Interest @ 7.5% per Annum on enhanced amount	

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10. The Tribunal awarded following compensation to the claimants-Babita and others: -

Sr. No.	Heads	Compensation Awarded
1.	Loss of dependency	Rs.16,69,290/-
2.	Medical expenses	Rs.21,000/-
3.	Loss of estate	Rs.15,000/-
4.	Loss of filial consortium	Rs.40,000/-
5.	Funeral expenses	Rs.15,000/-
	Total Compensation	Rs.17,60,290/-
	Interest @ 12% per annum	

11. Learned counsel for the appellant-claimants contends that the compensation on account of loss of estate, funeral expenses and



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filial consortium has not been adequately awarded by the Tribunal.

Reliance in this regard has been placed *National Insurance Company Ltd. vs. Pranay Sethi & Ors., (2017) 16 SCC 680*, *Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors., (2018) 18 SCC 130* and *N. Jayasree & Ors. vs. Choramandalam M.S General Insurance Company Ltd., 2021(4) RCR (Civil) 642*.

12. On the other hand, learned counsel appearing on behalf of respondent No.3-Insurance Company submitted that the Tribunal has awarded adequate compensation and there is no scope for enhancement of the same.

13. I have considered the aforesaid submissions and perused the paper-book.

14. A limited challenge has been made to the findings of the Tribunal, i.e. the quantum of compensation under the heads 'loss of estate' and 'filial consortium'. In view of the decisions in *Pranay Sethi (supra)*, *Magma General Insurance Company Limited (supra)* and *N. Jayasree (supra)*, the claimants are entitled to an amount of Rs.18,000/- towards 'loss of estate'; Rs.18,000/- towards 'funeral expenses' and Rs.48,000/- each on account of filial consortium, being widowed mother, brother and minor sister of the deceased.

15. Accordingly, the reworked compensation is as under:-

Sr. No.	Heads	Compensation Awarded
1.	Loss of dependency	Rs.16,69,290/-
2.	Medical expenses	Rs.21,000/-
3.	Loss of estate	Rs.18,000/-
4.	Loss of filial consortium	Rs.1,44,000/- (Rs.48,000/- X 3)
5.	Funeral expenses	Rs.18,000/-
	Total Compensation	Rs.18,70,290/-
	Interest @ 7.5% per Annum on enhanced amount	



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Conclusion:

16. The amount in excess of the amount awarded by the Tribunal shall attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

17. In view of the decision by the Hon'ble Supreme Court in *Parminder Singh vs. Honey Goyal & Ors., 2025 INSC 361*, after calculation of the enhanced amount, the same shall be transferred by respondent No.3-Insurance Company in the Bank Accounts of the claimant-appellants within a period of 06 weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent No.3-Insurance company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

18. In view of the above discussion, the present appeals are partly allowed and the award passed by the Tribunal is modified accordingly.

19. Pending application(s), if any, shall also stand disposed of.

11.12.2025

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**[HARPREET KAUR JEEWAN]
JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No