

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

(239)

FAO-105-2022 (O&M)
Date of Decision:-**25.08.2025**

ORIENTAL INSURANCE COMPANY LIMITED

... Appellant

Versus

LAXMI AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Sanjiv Pabbi, Advocate
for the appellant.

Mr. Mohit Rathee, Advocate
for respondents No.1 to 4-claimants.

VIRINDER AGGARWAL, J. (Oral)

1. The respondents-claimants, acting as the legal representatives of the deceased-Sachin, have filed a claim petition seeking compensation arising out of death of Sachin. The fatal incident occurred as a result of a motor vehicle accident involving a car bearing registration number HR-46-E-7438. The accident took place on 19.04.2019.

2. The appellant–respondent in the present matter is the insurance company of the vehicle involved in the accident. The appellant-insurance company has challenged the Award passed by the learned Tribunal, but the challenge has been confined solely to specific aspects of the compensation granted under the conventional heads. It has been contended by the learned counsel for the appellant that the learned Tribunal erred in awarding a sum

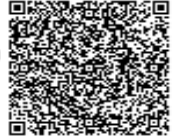


of ₹1,00,000 towards loss of love and affection, and an additional amount of ₹80,000 towards loss of filial consortium. According to the appellant, these amounts were granted without proper justification and contrary to the settled principles of law governing such heads of compensation. It is further pertinent to note that no other aspect of the Award was assailed or argued before this Court by the learned counsel representing the appellant–insurance company, and the challenge is thus limited exclusively to the aforementioned grounds.

3. Learned counsel for the respondents/claimants submits that there is no illegality or infirmity in the findings recorded by the learned Tribunal while assessing the award amount. Perusal of Award shows that in para No.23 of the Award, the learned Tribunal has recorded as under:-

23. xxxxxx Besides that the petitioners No.1 and 2 are entitled to ₹15,000/- on account of loss of estate and ₹15,000/- on account of funeral expenses, in view of the law laid down by Hon'ble Apex Court in National Insurance Company Ltd. v. Pranay Sethi and ors.' case (supra), In view of the law laid down in Magma General Insurance Co. Ltd.'s case (supra), an amount of ₹1,00,000/- is also awarded to the petitioners No.1 and 2 towards loss of love and affection and an amount of ₹80,000/- is awarded towards loss of filial consortium. Accordingly, the total amount of compensation comes to ₹15,70,800/- (₹13,60,800/- + ₹15,000/- + ₹15,000/- + ₹1,00,000/- + ₹80,000/- = ₹15,70,800/-).

4. The learned Tribunal has awarded compensation on account of loss of love and affection to the amount of ₹1 lac and ₹80,000/- towards loss of filial consortium, whereas Hon'ble Supreme Court in “National Insurance Company Limited vs. Pranay Sethi and Others, 2017 AIR



Supreme Court 5157”, in its Constitutional Bench decision has held in para No.62 (VIII) that Award under conventional heads namely loss of estate, loss of consortium and funeral expenses should be ₹15,000/-, ₹40,000/- and ₹15,000/- respectively to be enhanced at the rate of 10% every three years, so compensation of ₹80,000/- awarded on account of loss of filial consortium should have been ₹40,000/-.

4.1 Whereas compensation of loss of love and affection, the learned Tribunal has awarded compensation in view of the judgment of Hon’ble Supreme Court in “**Magma General Insurance Company Ltd. vs. Nanu Ram @ Chuhru Ram, 2018(3) Law Hearld (SC) 2410**”, where compensation of ₹1 lac i.e. ₹50,000/- for each of the legal heir was awarded on account of loss of love and affection.

5. In the present case, there are four respondent-claimants seeking compensation. If the legal principles laid down in the judgment of **Magma General Insurance Company Ltd. (supra)** are to be applied strictly, then the compensation under the head of “*loss of love and affection*” would have appropriately amounted to ₹2,00,000/- i.e. ₹50,000/- for each claimant. However, it is significant to note that the respondent-claimants have neither preferred any cross-objection nor filed an appeal challenging the amount of compensation awarded by the learned Tribunal. As such, the findings of the Tribunal with respect to the said head are left undisturbed by this Court.

5.1 Accordingly, the appeal preferred by the appellant–insurance company is partly allowed, but only to the limited extent of modifying the compensation under the head of “*loss of filial consortium*.” The amount awarded by the Tribunal under this head is reduced from ₹80,000/- to



₹40,000/-. Consequently, the total compensation awarded to the claimants stands reduced from ₹15,70,800/- to **₹15,30,800/-**. This modified compensation shall carry the same rate of interest as directed by the learned Tribunal and will be payable in accordance with the terms laid down in the Tribunal's Award.

6. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

25.08.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No