



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

Sr. No.129

FAO-1007-2019

Date of Decision: 09.03.2026

KULWANT KAUR

....Appellant

Versus

JATINDER SIGH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Manbir Singh Batth, Advocate
for the appellant.

Mr. Aseem Aggarwal, Advocate
for respondent No.3-Insurance Company.

ARCHANA PURI, J. (Oral)

This is an appeal filed by the appellant/claimant, for seeking enhancement of compensation, awarded by learned Motor Accident Claims Tribunal, on account of death of her son-Jaskaran Singh, in a motor vehicular accident, which took place on 19.11.2014.

Counsel for the appellant submits that he does not dispute about the extent of earnings of the deceased, as worked upon by learned Tribunal. Also, he does not dispute about the 'future prospects' and the 'multiplier', as assessed by learned Tribunal. At this stage, he confines his prayer, only for enhancement to be made, on the count of 'loss of consortium', which has not been awarded to the appellant/claimant.



Counsel for the parties heard.

So far as, the age of the deceased is concerned, he was 19 years old, at the relevant time of accident and this fact is not disputed by the parties. Also, from the evidence brought on record, it is evident that the deceased was working at ‘Bharat Petroleum Petrol Pump’, Chaklan, Rupnagar. Suffice to consider the testimony of PW-2, Rajesh Kumar, Salesman, who proved salary certificate of the deceased as PW-2/A, which reveals about the earnings of the deceased to be Rs.7,850/-. This fact is also not disputed by the counsel for the Insurance Company. Taking it to be so, the compensation was worked upon by learned Tribunal, which is reproduced in tabular form, as herein:-

Earnings assessed (monthly)	Rs. 7,850/-
Earnings (annual)	Rs. 94,200/- (7,850 x 12)
Future Prospect (40%)	Rs. 37,680/-
Total income (annual)	Rs.1,31,880/- (94,200 + 37,680)
Deduction (1/2) (considering the marital status of the deceased)	Rs. 65,940/- (1,31,880/2)
Loss of dependency (Annual)	Rs. 65,940/-
Multiplier applied (18)	Rs. 11,86,920/- (65,940 x 18)
Funeral expenses	Rs. 15,000/-
Loss of Estate	Rs. 15,000/-
Total	Rs. 12,16,920/-

Also, interest of 7% per annum, was granted on the awarded amount. The liability fastened upon the respondents was joint and several.

Also, it came forth that before learned Tribunal, the appellant/claimant-Kulwant Kaur, was divorced wife of Gurpreet Singh, who had been impleaded as proforma respondent. Considering the said marital status of the mother of the deceased and also considering about



Gurpreet Singh, proforma respondent, to be not dependent upon the deceased-Jaskaran Singh, he was held to be not entitled to any compensation.

Considering the '**work on**' of compensation aforesaid, it is pertinent to mention that no amount has been awarded on the count of 'loss of consortium'. As such, on appraisal of the salary certificate, which had come on record as Ex.PW-2/A, which is not disputed by the counsel for the appellant, the compensation do not call for further enhancement on any other count, except on the count of 'loss of consortium'. On this count, the amount payable, as per '*National Insurance Company Limited Vs. Pranay Sethi and others*' 2017(4) RCR (Civil) 1009, is Rs.48,400/-.

As such, the appellant is entitled to enhanced amount of **Rs.48,400/-**. The enhanced amount shall be payable by the Insurance Company, within a period of 45 days. On the enhanced amount, the appellant shall be held liable to the interest @ 7% per annum, from the date of filing of the appeal. In case of any default on the part of the Insurance Company, to make the payment in the given period, it shall be liable to pay penal interest @ 8% per annum, till realization.

09.03.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No