



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

FAO-3000-2021 (O&M)
Date of Decision: March 20, 2026

Seema and others

...Appellants

VERSUS

Jagbir Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Naveen Siwach, Advocate
for the appellants (through Video Conferencing).

Mr.Punit Jain, Advocate
for respondent No.3.

ARCHANA PURI, J.

The present appeal has been filed by the widow, minor children and mother of the deceased, thereby, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Shri Niwas, in a motor vehicular accident.

Counsel for the parties heard.

Suffice to consider that the accident had taken place on 10.03.2019. On appraisal of the evidence, brought on record, learned Tribunal had concluded about the accident to have taken place, on account of rash and negligent driving of Bolero bearing registration No.HR-11K-0438, driven by respondent No.1-Jagbir Singh and the same resulted into death of Shri Niwas.



Also further, it is not now disputed that deceased was about 29 years old, at the time of his death. Though, it was pleaded case of the appellants-claimants about the deceased to be working as Mobile Tower mechanic and earning Rs.15,000/- per month, but however, no satisfactory evidence, relating to the same, came on record. On account of paucity of evidence, learned Tribunal had considered the earnings of the deceased Rs.8800/- per month, while taking into consideration the earnings of the unskilled worker, to be to the extent of Rs.8827/- per month.

Counsel for the appellants submits that he does not dispute about the extent of earnings of the deceased and the calculation done thereupon, but however, he confines his prayer for enhancement, on the count of 'loss of consortium', which was denied to Koshlya, mother of the deceased.

Considering the findings recorded on issue No.2, it is evident that while taking the earnings of the deceased as Rs.8800/- per month, annual whereof is Rs.1,05,600/- and considering the age of the deceased as 29 years, 40% was made, on the count of 'future prospects' and the amount was worked upon as $\text{Rs.1,05,600} + 42,240 = \text{Rs.1,47,840/-}$. $\frac{1}{4}$ th was deducted on the count of 'personal expenses' and the loss of dependency was worked upon as $\text{Rs.1,47,840} - 36,960 = \text{Rs.1,10,880/-}$. Multiplier of '17' was applied and the total amount, on the count of loss of dependency was $\text{Rs.1,10,880} \times 17 = \text{Rs.18,84,960/-}$.

Besides the aforesaid, an amount of Rs.44,000/- was awarded, on the count of 'loss of consortium' to the widow as well as minor children of the deceased, the total whereof was Rs.1,32,000/-. However, it was denied to Koshlya, mother of the deceased, who is appellant-claimant No.4. Further, on the count of 'funeral expenses' and 'loss of estate', an amount of



FAO-3000-2021

-3-

Rs.16,500/- each was awarded.

However, as per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, the base amount for the 'loss of consortium' is Rs.40,000/-, which was to be enhanced to the extent of 10%, after every three years of passing of the judgment and at the relevant time of passing of the Award, it was Rs.44,000/- and the same was denied to the mother of the deceased. However, while considering *Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*, the compensation, on the count of 'loss of consortium' is to be paid to all claimants/dependents, be it 'filial', 'spousal' or 'parental', which also comprehends 'loss of love and affection'. Considering the same, appellant-claimant No.4 is also entitled to compensation, on the count of 'loss of consortium'.

At the relevant time of decision of the claim petition, on the count of 'loss of consortium', while taking the base amount as Rs.40,000/- and making addition of 10%, after passing of the judgment, the amount payable comes to be Rs.44,000/-, as paid to the other claimants. Considering the same, appellant-claimant No.4-Koshlya Devi is also entitled to the compensation to the extent of Rs.44,000/- and she shall also be entitled to the interest, at the rate of 6% per annum, from the date of filing of the claim petition, till realization of the enhanced amount of compensation.

In view of the aforesaid observations, to the extent aforesaid, the present appeal stands allowed.

March 20, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No