



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

**Sr. No.137**

**FAO-3767-2009**

**Date of Decision: 25.02.2026**

**SATINDER KUMAR JINDAL AND OTHERS**

**....Appellants**

**Versus**

**JASBIR KAUR NANDA AND ANOTHER**

**.....Respondents**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Vipul Jindal, Advocate  
for the appellants.

Mr. J.S. Jandka and Ms. Garima Arora, Advocates  
for respondent No.1.

Mr. Suvir Dwan, Advocate  
for respondent No.2-Insurance Company.

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**ARCHANA PURI, J. (Oral)**

Photostat copy of the record of learned Tribunal already  
received.

Arguments heard.

The present appeal has been filed by the appellants/claimants,  
thereby seeking enhancement of compensation, awarded by learned Motor



Accident Claims Tribunal, on account of death of Saroj Jindal, in a motor vehicular accident.

Suffice to consider, the accident had taken place on 13.09.2007. So far as the age of the deceased is concerned, it is taken by learned Tribunal as 48, on the basis of date of birth i.e. 05.02.1959, coming forth, from the matriculation certificate, Ex.PX. The said fact is not disputed by the counsel for the appellants. Also, the fact with regard to the vocation followed by the deceased as Special Assistant in State Bank of India and her salary being Rs.28,330/-, as per the salary certificate, Ex.PW1/A, is not disputed by the counsel for the appellants.

Taking it to be so, learned Tribunal, considering the number of dependents, had deducted 1/3rd, on the count of 'personal expenses' and the loss of dependency was worked upon as Rs.18,887/- per month, the annual whereof was Rs.2,26,644/-. Considering the age of the deceased, the multiplier of '10' was applied, while taking into consideration the fact about the applicant to be retiring at the age of 58 or 60. After taking it to be so, the amount was worked upon as Rs.22,66,440/-. Thereupon, considering the expenditure, incurred on the treatment of the deceased, soon before her death i.e. Rs.58,867.28 and also considering the reimbursement of the medical bills, to the extent of Rs.37,010/-, the balance amount of Rs.21,857/- was also awarded by the tribunal, on the count of 'medical expenditure'. Besides the same, an amount of Rs.5,000/- was also awarded, towards the 'funeral expenses'. In this manner, the total compensation worked upon by learned Tribunal, in the tabular form, is reproduced hereingiven:-



|                                             |                                 |
|---------------------------------------------|---------------------------------|
| Earnings assessed                           | Rs. 28,330/-                    |
| Amount after Deduction (1/3 <sup>rd</sup> ) | Rs. 18,887/-                    |
| Loss of dependency (Annual)                 | Rs. 2,26,644/- (18,887 x 12)    |
| Multiplier applied (10)                     | Rs. 22,66,440/- (2,26,644 x 10) |
| Medical expenditure                         | Rs. 21,857/-                    |
| Funeral expenses                            | Rs. 5,000/-                     |
| Total                                       | Rs.22,93,297/-                  |

However, the ‘work on’ aforesaid, do call for recomputation, as per the prevalent law.

So far as the extent of monthly earnings of the deceased taken by learned Tribunal as Rs.28,330/-, is concerned, the same is not disputed. 1/3rd is to be deducted on the count of ‘personal expenses’, which works upon as Rs.18,887/-. However, considering the vocation followed by the deceased, addition of 30%, on the count of ‘future prospects’, has to be made, which is to the extent of Rs.5,666/-. After making addition of the said amount, the total amount works upon as Rs.24,553/- (18,887 + 5,666). While taking it to be so, the annual ‘loss of dependency’ comes to the extent of Rs.2,94,636/- (24,553 x 12). Even, the multiplier has been erroneously applied by learned Tribunal as ‘10’, instead of ‘13’, which is settled as per the dicta of ‘*Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another*’ 2009 (3) RCR (Civil) 77. Applying the said multiplier, the compensation works upon as Rs.38,30,268/-.

Besdies the aforesaid, as per ‘*National Insurance Company Limited Vs. Pranay Sethi and others*’ 2017(4) RCR (Civil) 1009,

considering the base amount of Rs.40,000/-, to be paid on the count of ‘loss of consortium’, which is having a clause of 10% enhancement, after every 3 years of pronouncement of the judgment, now, the amount payable to each dependent is Rs.48,400/-. While taking it to be so, the amount on the count of ‘loss of consortium’ works upon as Rs.1,45,200/- (48,400 x 3). As per the **‘Magma General Insurance Co. Ltd. V/s. Nanu Ram @ Chuhru Ram and others’ 2018 (4) RCR (Civil) 333**, the ‘loss of consortium’ also comprehends love and affection and therefore, no separate amount is to be awarded on the said count, as claimed by the appellants. Besides the same, even under the count of ‘loss of estate’, as well as ‘funeral expenses’, an amount of Rs.36,300/- (18,150 x 2), is payable at present.

Apart from the aforesaid, on the count of ‘medical expenses’, after excluding the amount, which has since been reimbursed to the claimants, the amounts comes to the extent of Rs.21,857/-. Thus, the compensation now worked upon, is reproduced hereingiven, in tabular form:-

|                                             |                                 |
|---------------------------------------------|---------------------------------|
| Earnings assessed                           | Rs. 28,330/-                    |
| Amount after Deduction (1/3 <sup>rd</sup> ) | Rs. 18,887/-                    |
| Future prospects (30%)                      | Rs. 24,553/- (18,887 + 5,666)   |
| Loss of dependency (Annual)                 | Rs. 2,94,636/- (24,553 x 12)    |
| Multiplier applied (13)                     | Rs. 38,30,268/- (2,94,636 x 13) |
| Medical expenditure                         | Rs. 21,857/-                    |
| Loss of consortium                          | Rs. 1,45,200/- (48,400 x 3)     |
| Funeral expenses                            | Rs. 18,150/-                    |
| Loss of Estate                              | Rs. 18,150/-                    |
| Total                                       | Rs.40,33,625/-                  |



After deducting an amount of Rs.22,93,297/-, which has already been awarded by learned Tribunal, from Rs.40,33,625/-, the appellants are entitled to enhanced amount of Rs.17,40,328/-. Out of the said amount, an amount of Rs.7,40,328/- be paid to appellant No.1 i.e. husband of the deceased and an amount of Rs.5,00,000/- be paid to appellants No.2 and 3 i.e. children of the deceased, each. The enhanced amount shall be payable by the Insurance Company, within a period of 45 days. On the enhanced amount, the appellants shall be held liable to the interest @ 6% 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.

In view of the aforesaid terms, the FAO stands allowed.

**25.02.2026**  
Himanshu Vats

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No