



FAO-4463-2023 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-4463-2023 (O&M)

The Oriental Insurance Co. Ltd.

.....Appellant

vs.

Madhu & ors.

.....Respondents

Date of Reserve: 06.02.2026

Date of Pronouncement: 10.03.2026

Uploaded on:- 13.03.2026

Whether only the operative part of the judgment is pronounced? ***No***
Whether full judgment is pronounced? ***Yes***

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

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

None for respondent Nos. 1 to 5 despite service.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred by the appellant-Insurance Company against the award dated 16.05.2023 passed by the learned Motor Accident Claims Tribunal, Fatehgarh Sahib in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Tribunal') wherein, the appellant/insurance company was held liable to pay the compensation to the claimants/respondent Nos. 1 to 5 to the tune of Rs.16,16,000/- along with interest @ 7.5% per annum, on the ground of quantum of compensation to be on higher side.

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2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case is not required to be reproduced here for the sake of brevity.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellant-Insurance Company contends that the learned Tribunal has erred in awarding a sum of ₹40,000/- each to claimant/respondent Nos. 1 to 5, thereby granting a total of ₹2,00,000/- towards loss of consortium. He, therefore, prays that the present appeal be allowed and amount of compensation be reduced.

4. I have heard learned counsel for the appellant and perused the whole record of this case with their able assistance.

5. The contention of the appellant-insurance company that the learned Tribunal erred in awarding a sum of ₹40,000/- each to claimant Nos. 1 to 5, thereby granting a total of ₹2,00,000/- towards loss of consortium, is devoid of merit.

6. A perusal of the impugned award reveals that the learned Tribunal has rightly relied upon the judgment of the Constitution Bench of the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi***, [(2017) 16 SCC 680] wherein it was authoritatively held that compensation under the conventional heads, including consortium, is payable. The said principle has subsequently been clarified to include spousal consortium to the spouse and parental consortium to the children of the deceased and filial consortium.

7. In the present case, the learned Tribunal has correctly appreciated the settled position of law and has awarded compensation to the claimants/respondent Nos. 1 to 5 under the head of loss of consortium. The award of the compensation to the claimants/respondent Nos. 1 to 5 is thus in consonance with the law laid down

by the Hon'ble Supreme Court.

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8. In view of the settled legal position, no interference is called for with the findings of the learned Tribunal insofar as the grant of compensation under the head of loss of consortium is concerned. The same is accordingly affirmed.
9. Accordingly, the appeal is dismissed being devoid of any merits.
10. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

10.03.2026

Gaurav Arora

Whether speaking/non-speaking : Speaking
Whether reportable : Yes