



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-3461-2013 (O&M)

NATIONAL INSURANCE COMPANY LIMITED

.....Appellant

vs.

DIMPLE KUMARI AND OTHERS

.....Respondents

Reserved on:- 06.03.2026

Pronounced on:- 23.03.2026

Uploaded On:- .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. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate
for the appellant-Insurance Company.

Mr. Joginder Siwach, Advocate for
Mr. Rajeev Dev Sharma, Advocate
for respondent Nos.1 to 4.

None for respondent Nos.5 and 6 (despite service).

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 05.01.2013 passed by the learned Motor Accident Claims Tribunal, Pathankot 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/respondents in the first instance to the tune of Rs.36,09,500/- along with interest @ 9% per annum, on the ground of quantum of compensation to be on higher side.



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. The learned counsel for the appellant-Insurance Company contends that the amount awarded by the learned Tribunal is on the higher side and deserves to be reduced. He further contends that the learned Tribunal has wrongly included incentives for the calculation of salary of the deceased, the same is required to be excluded in calculation of the said income as the same is variable in nature. Therefore, he prays that the present appeal be allowed and amount of compensation be reduced as per latest law.

4. *Per contra*, learned counsel for claimants-appellants, however, vehemently argues that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced. He further points out that claimants-appellants have filed a separate appeal ie. FAO No.2189 of 2013 titled as “Dimple Kumari and others Vs. Rajneesh Kumar and others”, challenging the quantum of compensation. Therefore, he prays for dismissal of the present appeal and compensation be enhanced as per latest law.

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

6. At the very outset, it is pertinent to note that ***FAO-2189-2013 titled as “Dimple Kumari and others Vs. Rajneesh Kumar and others”*** filed by the claimants has already been allowed by this Court vide order of even date detailing therein regarding every aspect of the arguments raised in the present appeal.

7. In view thereof, the adjudication of the present appeal no longer

- 8. In view of the above, the present appeal is dismissed.
- 9. Pending application (s), if any, also stand disposed of.

23.03.2026
Lalita-II

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No