



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

FAO-2320-2017 (O&M)
Date of Decision: January 31, 2026

Geeta and others

...Appellants

VERSUS

Pawan Kumar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Narender Kaajla, Advocates
for the appellants.

Mr.Vipul Sharma, Advocate for
Mr.Subhash Goyal, Advocate
for respondent No.3.

ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Jai Pal, in a motor vehicular accident.

At this stage, learned counsel for the insurance company submits that in view of evidence, brought on record, before the Tribunal, as evident from the photocopy of the record of the Tribunal, which has been summoned by the Court, there is scope of amicable settlement. Considering the financial transaction record of the deceased, who was allegedly running a pesticides shop and was an LIC agent, he fairly concedes that the extent of



earnings of deceased can be taken as Rs.2,50,000/- per annum. The insurance company is ready for amicable settlement, while considering this extent of earnings of deceased Jaipal.

The offer so made by the insurance company is acceptable to the counsel for the appellant and counsel also submits that he has no objection, if the further computation of the compensation, while considering the earnings as Rs.2,50,000/- per annum, is worked upon.

In view of the submissions made by both the counsel, with their able assistance, gone through the impugned Award as well as the evidence, brought on record.

On the basis of the evidence, brought on record, it stands established that the deceased was 47 years old, at the relevant time and he was running pesticides shop, under the name and style of Sagar Beej Bhandar and was also an LIC agent. On appraisal of the evidence, brought on record, learned Tribunal, while considering annual earnings of deceased as Rs.1,58,330/- per annum, had worked upon the compensation, which in tabular form is given in paragraph No.31 of the Award, which, for the purpose of convenience, is reproduced, as herein given:-

Annual income	Rs.1,58,330/-
Deduction of self 1/4th	Rs.39583/-
Total annual income	Rs.1,18,747/-
Multiplier of 13	Rs.15,43,711/-
Funeral & transportation expenses	Rs.50,000/-
Loss of consortium (widow)	Rs.1,00,000/-
Love and affection (children)	Rs.1,50,000/-
Loss of estate (father)	Rs.50,000/-
Total	Rs.18,93,711/-

However, the ‘work on’ of the compensation aforesaid, do call for re-computation, more particularly, considering the evidence, with regard



FAO-2320-2017

-3-

to the financial transactions done by the deceased, during his lifetime, while transacting his business. But anyhow, keeping in view the evidence, brought on record, an offer has been made by learned counsel for the insurance company, for re-calculation of the compensation, while considering the extent of earnings of deceased Jaipal to be Rs.2,50,000/- per annum, which offer is also acceptable to counsel for the appellant.

Given the same, the earnings of deceased are taken as Rs.2,50,000/- per annum. Deduction, on the count of 'personal expenses' ought to be made to the extent of 1/4th. Further, considering the age of deceased to be 47 years, as per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, addition on the count of 'future prospects' ought to be made to the extent of 25%. As per *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, the appropriate multiplier to be applied is '13' as applied by learned Tribunal.

However, under the conventional heads, the amount of compensation awarded by learned Tribunal, needs to be scaled down.

Before proceeding further, it is pertinent to mention that father of the deceased is also one of the appellant-claimant, who was denied compensation, on account of his being financially independent, as per the revenue record, in his name, proved in evidence.

May it be so. It is pertinent to mention that even though, a person, who may be earning, may not be financially dependent on his son, who has departed from the world, but however, it should be noted that the word '**dependent**' has a different meaning in different connotation. Some may be dependent in terms of money and others may be dependent in terms of



service. Thus, dependency is a relevant criteria to claim compensation for loss of dependency. It necessarily does not mean financial only. It also includes gratuitous service dependency, physical dependency, emotional dependency, psychological dependency, and so on and so forth, which can never be equated in terms of money. Considering the same, even though, the deceased son may not be rendering financial assistance to his father, but however, emotional and psychological dependency upon the son, by the father, as such, ought to be there and considering the same, the father of the deceased, is also entitled to compensation.

Proceeding further, it is pertinent to note that an amount of Rs.1,00,000/- has been awarded to appellant-claimant No.1 (widow), on the count of 'loss of consortium' and Rs.1,50,000/- to appellants-claimants No.2 to 4 (children), on the count of 'loss of love and affection'.

However, as per *Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*, all the dependents are entitled to compensation, on the count of 'loss of consortium, be it 'filial', 'spousal' or 'parental', which also comprehends 'loss of love and affection' and as such, no separate compensation, ought to be granted, on the count of 'love of love and affection'. As per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, the minimum amount payable is Rs.40,000/-. While applying enhancement clause to the extent of 10%, after every three years of passing of the judgment, the compensation payable to each claimant is Rs.48,400/-. Thus, all the appellants-claimants are entitled to compensation, on the count of 'loss of consortium' to the extent of Rs.48,400/- each i.e. Rs.48,400x5=**Rs.2,42,000/-**. Similarly, on the count of 'loss of estate' and



‘funeral expenses’, the amount now payable is **Rs.18,150/-** on each count.

Considering the same, the compensation payable to appellants-claimants, on account of death of Jaipal is re-computed, as herein given:-

Annual income	Rs.2,50,000/-
Deduction of 1/4th	Rs.2,50,000-62500=Rs.1,87,500/-
Addition of 25%	Rs.1,87,500+46,875=Rs.2,34,375/-
Multiplier of ‘13’	Rs.2,34,375x13= Rs.30,46,875/-
Loss of consortium	Rs.2,42,000/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Total	Rs.33,25,175/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.33,25,175-18,93,711=Rs.14,31,464/-**. On the enhanced amount of the compensation i.e. **Rs.14,31,464/-**, the appellants-claimants, shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till today. Out of the enhanced compensation, as now worked upon aforesaid, appellant-claimant No.1 is held entitled to **Rs.7,31,464/-**, whereas, appellants No.2 to 4 are held entitled to **Rs.2,00,000/-** each and appellant-claimant No.5 is held entitled to **Rs.1,00,000/-**.

Respondent No.3-Reliance General Insurance Company Limited is directed to pay aforesaid enhanced amount of compensation to the appellants-claimants, within a period of six weeks. In case of any default, on the part of the Insurance Company, in making the payment within the stipulated period, it shall be liable to pay penal interest @ 8% per annum from today, till realization.

The impugned Award dated 07.12.2016 stands modified, to the



FAO-2320-2017

extent, as indicated aforesaid.

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

January 31, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No