



FAO-6471-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-6471-2018 (O&M)

NATIONAL INSURANCE CO. LTD.

.....Appellant

vs.

BALJEET SINGH AND ORS.

.....Respondents

Reserved on:- 15.05.2026

Pronounced on:- 18.05.2026

Uploaded on:- 20.05.2026

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: Dr. Anjali Bansal, Advocate
for the appellant.Mr. Amandeep Singh Sandhu, Advocate
for respondents No.1 to 3.Respondents No.4 and 5 were proceeded against ex parte
vide order dated 22.07.2019.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 24.04.2018 passed by the learned Motor Accident Claims Tribunal, Ferozepur (for short, 'the Tribunal') in the claim petition filed under Section 166 and 140 of the Motor Vehicles Act, 1988, wherein the appellant-Insurance company was fastened with the liability to pay the compensation of Rs.8,17,416/- to the



claimants along with interest @ 6 % 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.

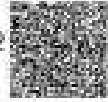
SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellant-Insurance Company contends that respondents No.1 to 3 are not entitled to any compensation as they were the married brother and sister of the deceased, therefore, he prays that the present appeal be allowed and amount of compensation be reduced.

4. Per contra, learned counsel for claimants/respondents No.1 to 3 contends the learned Tribunal has rightly held respondents No.1 to 3 as dependant upon income of the deceased, therefore, he prays that the present appeal be dismissed.

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

6. A perusal of the award reveals that the contention of learned counsel for the appellant-Insurance Company that claimants being married brother and sister of deceased are not entitled to compensation is bereft of merit. Reliance at this stage can be made upon judgment of Hon'ble Supreme Court rendered in *Sadhana Tomar & Others v. Ashok Kushwaha & Others*, **2025 SCC OnLine 554**, wherein, it has been held that the status of a legal representative is not lost merely because the claimant is married or independently earning, and such claimants are entitled to compensation being



legal heirs of the deceased. The relevant extract of the same is reproduced as under:-

“13. This Court has clarified in the case of Meena Devi v. Nunu Chand Mahto [(2023) 1 SCC 204], that the objective of granting compensation under the Motor Vehicles Act, 1988, is to ensure that just and fair compensation is paid to the aggrieved party. Another question which arose for our consideration, as for the purpose of loss of dependency, the deduction of annual income should be 1/3rd or 1/4th, as there are five claimants. The Tribunal did not consider appellant Nos.4 and 5, namely, the father and the younger sister, respectively, of the deceased as dependents, stating therein that the father was not dependent on the income of the deceased and since the father is alive, the younger sister is also not dependent on the income of the deceased. This Court in Gujarat SRTC v. Ramanbhai Prabhatbhai [(1987) 3 SCC 234], observed that a legal representative is one, who suffers on account of death of a person due to a motor vehicle accident and need not necessarily be a wife, husband, parent or child.

14. Recently in N. Jayasree v. Choramandalam MS General Insurance Company Ltd. [(2022) 14 SCC 712], this Court observed that :

"16. In our view, the term "legal representative" should be given a wider interpretation for the purpose of Chapter XII of the MV Act and it should not be confined only to mean the spouse, parents and children of the deceased. As noticed above, the MV Act is a benevolent legislation enacted for the object of providing monetary relief to the victims or their families. Therefore, the MV Act calls for a liberal and wider interpretation to serve the real purpose underlying the enactment and fulfil its legislative



intent. We are also of the view that in order to maintain a claim petition, it is sufficient for the claimant to establish his loss of dependency. Section 166 of the MV Act makes it clear that every legal representative who suffers on account of the death of a person in a motor vehicle accident should have a remedy for realisation of compensation.”

7. In view of the above legal position, the learned Tribunal has rightly held respondents No.1 to 3 entitled to compensation and the same is hereby affirmed.

8. Consequently, the present appeal, being devoid of merits, stands **dismissed**.

9. Pending application(s), if any, also stand disposed of.

18.05.2026

Ayub/Sahil

**(SUDEEPTI SHARMA)
JUDGE**

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