



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

FAO-5057-2025 (O&M)
Date of Decision: March 09, 2026

Manisha and another

...Appellants

VERSUS

Jitender Kumar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Anoop Kumar Yadav and Ms.Bharti Yadav, Advocates
for the appellants.

Mr.D.K.Prajapati, 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 Naveen Kumar, in a motor vehicular accident, which took place on 31.08.2022.

At this stage, learned counsel for the appellants submits that he does not dispute the 'work on' of the compensation as done by learned Tribunal. However, he confines his prayer only for the enhancement of compensation, on the count of 'loss of consortium', which has been given amiss by learned Tribunal.

Counsel for the parties heard.

So far as, the age of the deceased is concerned, suffice to consider the observations made by learned Tribunal in paragraph No.20 of the Award, wherein, the date of birth of Naveen Kumar is mentioned as 11.05.1996 and he was taken to be 26 years, at the relevant time of accident,



FAO-5057-2025

-2-

which fact is also not disputed by counsel for the parties.

Considering the deceased to be unskilled labourer, his monthly earnings were taken as Rs.10,098.88/- per month and addition of 40%, on the count of 'future prospects' was made i.e. Rs.4039.55 and total monthly income was worked upon as Rs.14,138/-. 1/4th was deducted on the count of 'personal expenses' and the loss of dependency was worked upon as Rs.10,604/-, annual whereof is Rs.1,27,248/-. Considering the age of the deceased to be 26 years, multiplier of '17' was applied and the compensation was worked upon as Rs.21,63,216/-.

Besides the aforesaid, another amount of Rs.77,000/- was awarded, on the counts of 'funeral expenses, loss of love and affection and loss of estate'. In total, the compensation to the extent of Rs.22,40,216/- was awarded.

Even though, the claim petition was filed by widow, minor daughter, parents and sister of the deceased, but however, considering father of the deceased to be working in Indian Army, sister of the deceased was held to be not dependent upon the deceased, as she was considered as dependent upon her father. Considering the same, the compensation as noticed aforesaid, was worked upon and the apportionment was made in equal shares amongst claimants No.1 to 4.

However, the 'work on' of the compensation, definitely calls for enhancement, on the count of 'loss of consortium'.

As per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, the base amount on the count of 'loss of consortium' is Rs.40,000/-, which called for enhancement to the extent of 10%, after every three years of passing of the judgment and the prevalent amount payable is Rs.48,400/-. As per *Magma General Insurance*



FAO-5057-2025

-3-

Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18)

SCC 130, the compensation, on the count of 'loss of consortium' is to be paid to all claimants/dependents, be it 'filial', 'spousal' or 'parental'.

Considering the same, the compensation is payable to all the claimants. Nikita Yadav, sister of the deceased, even though, has been denied the compensation, as worked upon by the Tribunal, but however, she is the younger sister of deceased Naveen Kumar and thus, she is deprived of the company of her elder brother. Being sibling, she is entitled to amount, to be payable under the count of 'loss of consortium' i.e. Rs.48,400/-.

Considering her claim also, on the count of 'loss of consortium', the amount of compensation, now payable, works upon as Rs.48,400x5=**Rs.2,42,000/-**.

Thus, besides the amount of Rs.22,40,216/-, the appellants-claimants and proforma respondents No.4 and 5, together with proforma respondent No.6-Nikita, whose claim was denied by the Tribunal, are entitled to the amount of **Rs.2,42,000/-**, to be apportioned in equal shares, along with interest payable from the date of filing of the appeal, till realization, at the rate of interest given by learned Tribunal.

However, as observed in the order dated 09.12.2025 passed by the Coordinate Bench, the claimants, shall not be entitled to the interest for the period of delay of 79 days, which has since been condoned.

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

March 09, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No