



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

FAO-6173-2019 (O&M)

SARITA DEVI AND ORS.

.....Appellants

vs.

SURESH KUMAR YADAV AND ANR.

.....Respondents

Reserved on:- 17.04.2026

Pronounced on:- 13.05.2026

Uploaded on: 14.05.2026

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: Ms. Simran Kaur Bhatti, Advocate
for the appellants.

None for respondent No.1.

Mr. R.C. Kapoor, Advocate
for respondent No.2-Insurance Company.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 15.11.2018 passed by the learned Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal') in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, for enhancement of compensation granted to the claimants to the tune of Rs.31,56,000/- along with interest @ 9 % per annum, on account of death of Anoop Singh in a Motor Vehicular Accident, occurred on 02.12.2016.

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 appellants-claimants contends that learned Tribunal has assessed the compensation on the lower side and deserves to be enhanced.

4. Per contra, learned counsel for the respondent No.2-Insurance Company contends as under:-

(i) that the learned Tribunal has erred in holding that accident occurred due to sole negligence of the driver of offending vehicle.

(ii) that infact the accident was a result of contributory negligence of both the drivers.

(iii) that compensation awarded by learned Tribunal is on the higher side.

(iv) that learned Tribunal has committed an error in law by awarding compensation separately under the heads of “loss of consortium” as well as “loss of love and affection.” He has placed reliance upon the Constitution Bench judgment of the Hon’ble Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi, 2017) 16 SCC 680*** to contend that compensation under the head of “loss of love and affection” is not permissible, and the claimants are entitled only to compensation under the conventional head of “loss of consortium.”.

(v) that the respondent No.2-Insurance Company has already filed a separate appeal, being ***FAO-2885-2019, titled as “New India***



Assurance Company Ltd. Vs. Sarita Devi and others” challenging liability to pay compensation awarded by learned Tribunal, therefore, he prays that present appeal be dismissed and amount of compensation be reduced 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-2885-2019, titled as New India Assurance Company Ltd. Vs. Sarita Devi and others”** filed by the respondent No.2-Insurance company has already been dismissed 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 survives.

8. In view of the above, the present appeal is allowed.

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

13.05.2026

Ayub/Sahil

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes