



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

FAO-5796-2017 (O&M)

AMANDEEP KAUR AND ORS.

.....Appellants

VS.

RAJ KUMAR AND ANR.

.....Respondents

Reserved on : 05.05.2026

Pronounced on: 13.05.2026

Uploaded on: 19.05.2026

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: Mr. Gaurav Aggarwal, Advocate
for the appellants.

None for respondent No.1.

Mr. Vipul Sharma, Advocate
Mr. Paras M. Goyal, Advocate
Mr. Vijay Veer Singh, Advocate
for respondent No.2.

* * * *

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 09.03.2017 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (in short '1988 Act'), by the learned Motor Accident Claims Tribunal, FATEHABAD (for short, 'the Tribunal') for enhancement of compensation granted to the claimants to the tune of Rs.84,25,000/- along with interest @ 7.5 % per annum on account of death of Jagsir Singh in a Motor Vehicular Accident, occurred on 23.10.2014.

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 APPELLANT

3. Learned counsel for the appellants/claimants contends that learned Tribunal has rightly held that accident occurred due to sole rash and negligent driving of offending vehicle. He furthermore contends that compensation awarded by the learned Tribunal is on the lower side. He, therefore, prays that the present appeal be allowed.

4. The 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 rash and negligent driving of offending vehicle.
- ii. that in the DDR it was categorically written that no one was at the fault.
- iii. that no criminal proceedings were initiated. Furthermore, no eye witness was examined to prove rash and negligence on the part of driver of offending vehicle. He furthermore contends that income of Rs.45,000/- assessed by the learned Tribunal is wholly without any basis as no account statement was produced on record to prove the income as assessed by learned Tribunal.
- iv. that no income tax was deducted from salary and learned Tribunal has erred in awarding 50% towards future prospects instead of 40%.
- v. 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”.

vi. that he has filed separate appeal bearing *FAO-3430-2017*, titled as “*Reliance General Insurance Company Ltd. Vs. Amandeep Kaur and others*”, challenging the award as well as quantum of compensation being on higher side. He, therefore, 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. Since *FAO-3430-2017*, titled as “*Reliance General Insurance Company Ltd. Vs. Amandeep Kaur and others*” filed by the respondent No.2- Insurance Company has already been **partly allowed** by this Court vide order of even date detailing therein regarding compensation as well, and the compensation has been reduced. Therefore, the present appeal is **dismissed**.

7. 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/No