



IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

\*\*\*

FAO-3161-2023

Date of decision : 22.12.2025

Rekha and others

... Appellants

Versus

Sooraj Pal @ Ravi and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Sajan, Advocate for  
Mr. Rajesh Goyal, Advocate  
for the appellants.

Mr.Vinod Gupta, Advocate  
for respondent no.3-insurance company.

**VIKAS BAHL, J.(ORAL)**

1. The widow and 4 minor children of Salinder, who had died in a motor vehicular accident, have filed the present appeal for enhancement. The Motor Accident Claims Tribunal vide award dated 04.03.2023 had awarded an amount of Rs.18,70,000/- as compensation along with interest.
2. The only issue which arises for consideration before this Court is as to whether the appellants are entitled to any additional compensation or not as the other aspects have not been disputed before this Court.
3. Learned counsel for the appellants has submitted that in the present case there are five claimants and thus, they were entitled to loss of consortium at the rate of Rs.48,000/- per claimant. It is further submitted



that the benefit of future prospects should have been granted at the rate of 40% but the same has been granted at the rate of 25%. It is submitted that the difference in the amount granted on account of future prospects comes to Rs.2,16,000/-. It is argued that additional compensation to the tune of Rs.4,16,000/- should be granted to the present appellants by giving interest at the rate of 9.5%.

4. Learned counsel for respondent no.3-insurance company, on the other hand, has submitted that on account of loss of consortium, an amount of Rs.40,000/- has already been paid and thus, the said amount has to be deducted from Rs.2,40,000/- (Rs.48,000/- x 5) and even in case the plea of the appellants is to be accepted, then also, only compensation of Rs.2 lacs is to be awarded on the said count and not Rs.2,40,000/-. It is further submitted that the interest which is sought to be applied by the present appellants is highly excessive and the highest rate of interest which can be granted on the additional compensation is 6% per annum.

5. Learned counsel for the appellants in rebuttal after taking into consideration the objection raised by learned counsel for respondent no.3 has fairly submitted that the total additional compensation would come to Rs.4,16,000/- (Rs.2,00,000/- on account of loss of consortium and Rs.2,16,000/- on account of additional amount of future prospects). In support of his arguments, learned counsel for the appellants has relied upon the law laid down by the Hon'ble Supreme Court in cases titled as ***Sarla Verma (Smt.) and others Vs. Delhi Transport Corporation and another***

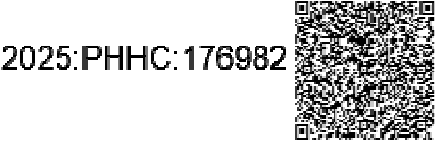


reported as ***(2009) 6 SCC 121, National Insurance Company Limited Vs. Pranay Sethi and others*** reported as ***(2017) 16 SCC 680***, and ***Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram and others*** reported as ***(2018) 18 SCC 130***.

6. This Court has heard learned counsel for the appellants and learned counsel for respondent no.3 and has perused the paper book and finds that the amount which is claimed by the appellants has been rightly claimed by the appellants except the rate of interest.

7. The Tribunal had only awarded an amount of Rs.40,000/- on account of loss of consortium, whereas in the present case, there are five claimant i.e., widow and four minor children and as per settled law, total amount of Rs.2,40,000/- ( Rs.48,000 x 5) should have been granted to the appellants-claimants. Thus, an additional amount of Rs.2 lacs is to be awarded to the appellants on the said count. On account of future prospects, the Tribunal had taken into consideration the benefit of additional 25% of the salary, whereas it is not disputed that the benefit of additional 40% of the salary is to be taken into consideration and thus, an amount of Rs.2,16,000/- on the said count is to be awarded to the appellants. With respect to the rate of interest, this Court is consistently awarding interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

8. Keeping in view the above said facts and circumstances, the present appeal is partly allowed and the award dated 04.03.2023 is modified



and respondent no.3 is directed to pay an additional amount of compensation of Rs.4,16,000/- to the appellants along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of six weeks from today.

(VIKAS BAHL)  
JUDGE

December 22, 2025.  
*Davinder Kumar*

|                             |        |
|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |