



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO-120-2022

Date of decision : 23.12.2025

Paramjit Kaur Bhari and others

... Appellants

Versus

Sukhwinder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rishab Kumar Jain, Advocate
for the appellants.

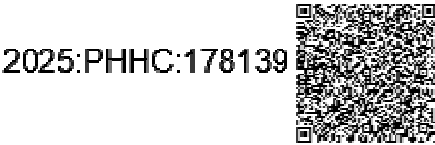
Ms.Tanu, Advocate for
Mr.Nigam K. Bhardwaj, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

1. The widow, daughter and mother of the deceased Ajmer Singh have filed the present appeal for enhancement. The said appeal is stated to be also for the benefit of respondent no.4, who is also daughter of deceased Ajmer Singh.

2. The Tribunal vide award dated 06.07.2021 had awarded a total compensation of Rs.18,37,000/- along with interest on account of the death of said Ajmer Singh, which had taken place in a motor vehicular accident.

3. The only issue which arises in the present case for consideration before this Court is as to whether the appellants along with



respondent no.4 are entitled to additional compensation or not, as the other aspects have not been disputed before this Court.

4. Learned counsel for the appellants has submitted that in the present case, on account of loss of consortium, only an amount of Rs.44,000/- has been awarded whereas in all there are four claimants and thus, an additional amount of Rs.1,32,000/- on the said count should be paid to the appellants along with respondent no.4. It is further submitted that no benefit of future prospects have been given by the Tribunal and since the deceased was of 51 years of age, thus, the benefit of additional 10% of salary was required to be taken into consideration for assessing the amount of future prospects. Learned counsel for the appellants has submitted a chart, which is reproduced hereinbelow:-

“APPELLANT HEREIN: Paramjit Kaur Bhari & Another

Claimants

DATE OF ACCIDENT 20.08.2019

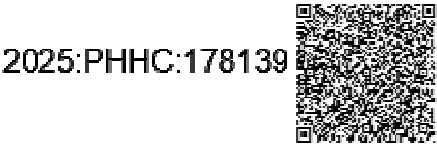
NATURE OF CASE Death

AGE OF DECEASED 51 years

DRIVING LICENSE/ROUTE PERMIT/INSURANCE_No dispute

DETAIL OF RELIEF GRANTED/CLAIMED

DETAILS	BEFORE THE TRIBUNAL	COMPENSATION CLAIMED
INCOME	MONTHLY: 20,000.00 YEARLY: 2,40,000.00	MONTHLY: 20,000.00 YEARLY: 2,40,000.00
DEDUCTION	0,80,000.00	0,80,000.00
NET DEPENDANCY	1,60,000.00	1,60,000.00
FUTURE PROSPECTS	-----	016000.00
TOTAL DEPENDANCY	1,60,000.00	1,76,000.00
MULTIPLIER	11	11
LOS OF ESTATE	16500.00	016500.00



<i>FUNERAL EXPENSES</i>	<i>16500.00</i>	<i>016500.00</i>
<i>LOSS OF CONSORTIUM</i>	<i>Parental ----- Filial ----- Spousal 44000.00</i>	<i>088000.00 044000.00 044000.00</i>
<i>TOTAL COMPENSATION</i>	<i>1793000+44000= 1837000</i>	<i>1936000+16500+16500+88000 +44000+44000=21,45,000</i>
<i>ENHANCEMENT CLAIMED</i>		<i>2145000-1837000=308000</i>
<i>INTEREST</i>	<i>7%</i>	<i>9%</i>

Dated: 13.12.2025

*Rishab Kumar Jain
P-2276-2011
PH224329
Mobile No.9417070347
adv.rishabjain@gmail.com
ADVOCATE FOR APPELLANTS”*

5. Learned counsel for the appellants has further submitted that the appellants along with respondent no.4 are entitled to additional amount of Rs.3,08,000/- along with interest at the rate of 9% per annum. 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. Learned counsel for respondent no.3 has 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. It is further submitted that there is an error in the chart, inasmuch as, there is only the mother of the deceased who has filed the present appeal and thus, on account of parental consortium, an amount of Rs.88,000/- is not required to be paid.

7. Learned counsel for the appellants, in rebuttal, has submitted that inadvertently the present appellants have mentioned an amount of Rs.88,000/- on parental consortium in the chart, whereas an amount of Rs.44,000/- should have been mentioned under the said heading of parental consortium and it is under Filial consortium that the said amount of Rs.88,000/- should have been mentioned, as there are two daughters. It is submitted that the total amount of additional compensation would be the same amount as mentioned in the chart.

8. Learned counsel for respondent no.3-insurance company has further submitted that in case consortium is to be paid to the second daughter also of the deceased, who has been made respondent no.4, then, the additional amount of compensation claimed should be full and final settlement of all claims of the appellants as well as respondent no.4 and in case any future claim is raised by respondent no.4, then, the appellants should be liable to satisfy the same.

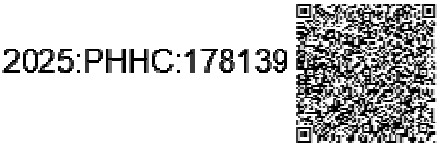
9. This Court has heard learned counsel for the appellants and learned counsel for respondent no.3 and has perused the paper book and finds that the amount which is claimed by the appellants have been rightly claimed by the appellants except the rate of interest.



10. It is not in dispute that the deceased was survived by his widow, two daughters and mother. It is a matter of settled law that each of the said persons are entitled to an amount of Rs.44000/- on account of loss of consortium, as has been highlighted by learned counsel for the appellants. The Tribunal has only paid an amount of Rs.44,000/- on account of loss of consortium and thus, additional amount of Rs.1,32,000/- is to be paid to the appellants along with respondent no.4 on the said count. The Tribunal had not taken into consideration the future prospects and hence an amount of Rs.1,76,000/- (Rs.16,000/- x 11) is required to be paid to the appellants on the said count also. Thus, the present appellants and respondent no.4 are entitled to the additional compensation of Rs.3,08,000/- as claimed by 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.

11. Keeping in view the above said facts and circumstances, the present appeal is partly allowed and the impugned award dated 06.07.2021 is modified and respondent no.3 is directed to pay an additional amount of compensation of Rs.3,08,000/- 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.

12. It is made clear that the said amount would be full and final payment for the benefit of the appellants as well as respondent no.4 and in case respondent no.4 raises any claim, then, it is present appellants who, as



undertaken before this Court, would satisfy the claim of respondent no.4
and there would be no further liability of the insurance company.

(VIKAS BAHL)
JUDGE

December 23, 2025.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No