

2025:PHHC:172603



FAO-2240-2021

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO-2240-2021

Date of decision : 10.12.2025

Rekha and another

... Appellants

Versus

Hanuman Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Mansi Verma, Advocate
for the appellants.

Mr.Punit Jain, Advocate
for respondent no.5.

VIKAS BAHL, J.(ORAL)

1. The widow and the son of the deceased-Lal Chand have filed the present appeal for enhancement. The Motor Accident Claims Tribunal vide order dated 03.04.2018 had awarded an amount of Rs.8,44,400/- along with interest to the appellants on account of death of the said Lal Chand in a motor vehicular accident.

2. The only issue which arises for consideration 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, on account of loss of consortium no amount has been paid to



the claimant no.2-appellant no.2 and an amount of Rs.48,000/- is payable to the claimant no.2-appellant no.2 on the said account. It is further submitted that even the amount paid to the widow on account of loss of consortium is Rs.40,000/- whereas as per settled law an amount of Rs.48,000/- is to be paid on account of loss of consortium to the widow (appellant no.1). Learned counsel for the appellants has submitted that on accounts of loss of estate and funeral expenses, the amount awarded by the Tribunal is Rs.15,000/- each whereas the amount payable on the said two aspects should have been Rs.18,000/- each. It is submitted that thus, an additional compensation of Rs.62,000/- should be granted to the appellants at the rate of 9% per annum. The chart as submitted by learned counsel of the appellants is reproduced hereinbelow:-

“FAO NO 2240 OF 2021
APPELLANT: WIDOW AND SON OF DECEASED LAL CHAND
DATE OF ACCIDENT 27.10.2016
NATURE OF CASE: DEATH CASE
AGE OF DECEASED: 52 YEARS
DRIVING LICENSE/ROUTE PERMIT/INSURANCE: NA
DETAILS OF RELIEF GRANTED/CLAIMED

<i>Details</i>	<i>BEFORE THE TRIBUNAL</i>	<i>COMPENSATION CLAIMED</i>
<i>Income</i>	<i>Monthly: 8,000 RS YEARLY : 48,000 Rs</i>	<i>NA</i>
<i>Deduction</i>	<i>1/3</i>	<i>NA</i>
<i>Future prospects</i>	<i>10%</i>	<i>NA</i>
<i>Multiplier</i>	<i>11</i>	<i>NA</i>
<i>Loss of estate</i>	<i>15,000</i>	<i>18,000</i>
<i>Funeral Expenses</i>	<i>15,000</i>	<i>18,000</i>



<i>Loss of consortium to widow</i>	<i>40,000</i>	<i>48,000</i>
<i>Loss of consortium to son</i>	<i>--</i>	<i>48,000</i>
<i>Total compensation</i>	<i>8,44,000</i>	<i>9,06,000</i>
<i>Interest</i>	<i>7.5%</i>	<i>9%</i>

DATED: 28.07.2025 (ASHUTOSH KAUSHIK) P-682-2011”

4. Learned counsel for respondent no.5-insurance company 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.
5. This Court has heard learned counsel for the appellants and learned counsel for respondent no.5 and has perused the paper book and finds that the amount claimed by the appellants as per the chart is in accordance with law and deserves to be upheld except on the aspect of the rate of interest.
6. Since there are two claimants, thus, the Tribunal should have granted an amount of Rs.48,000/- each to the said two claimants on account of loss of consortium whereas only an amount of Rs.40,000/- has been awarded to the widow-appellant no.1 and no amount has been awarded to the appellant no.2-claimant no.2. Moreover, on accounts of loss of estate and funeral expenses, the appellants are entitled to an amount of Rs.18,000/- each. Accordingly, the appellants are entitled to enhanced compensation of Rs.62,000/-.
7. Keeping in view the above said facts and circumstances, the

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present appeal is partly allowed and the award dated 03.04.2018 is modified and respondent no.5 is directed to pay an additional amount of compensation of Rs.62,000/- 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 10, 2025.
Davinder Kumar

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