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

FAO-16041-2018 (O&M)
Date of decision: 10.12.2025

Chandro

...Appellant

Versus

Raj Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rohit Joshi, Advocate for
Mr. Anoop Kumar Yadav, Advocate for the appellant.

Mr. Punit Jain, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. A widowed mother has filed the present appeal for enhancement with respect to the death of her son named Jitender who had died in a motor vehicular accident which took place on 24.09.2016. Claim petition was filed before the Tribunal by the widow and mother of the said Jitender. The Tribunal had awarded an amount of Rs.19,74,000/- along with interest as compensation. The present appellant is seeking enhancement on behalf of the appellant as well as proforma respondent No.4 who was the wife of the deceased. The only question that arises for consideration before this Court is as to whether the appellant, for her own benefit and for the benefit of respondent No.4, is entitled to additional compensation or not as the other aspects have not been disputed before this Court.



2. Learned counsel for the appellant has submitted that in the present case, although, there were two claimants but the Tribunal had granted consortium only to claimant No.1 and had not granted consortium to claimant No.2. It is submitted that thus, the appellant along with respondent No.4 is entitled to compensation of Rs.48,000/- each on the said account. It is further submitted that even amount awarded on accounts of funeral expenses as well as loss of estate is on the lesser side as the present appellant along with respondent No.4 is entitled to Rs.18,000/- each on the said aspect, whereas, an amount of only Rs.15,000/- each had been awarded. It is further argued that even amount on account of consortium awarded to claimant No.1-widow to the extent of Rs.40,000/- is on the lesser side as amount of Rs.48,000/- is to be awarded on the said account. Learned counsel for the appellant, in support of his arguments, has relied upon the law laid down by the Hon'ble Supreme Court in case titled as **Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram and others** reported as **(2018) 18 SCC 130**. It is further prayed that the additional amount of compensation to the tune of Rs.62,000/- should be awarded to the appellant along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation.

3. On the other hand, learned counsel for the Insurance Company has submitted that the rate of interest which is sought to be charged by the appellant i.e., 9% per annum is highly excessive and the highest rate of interest that can be awarded on the additional amount of compensation is at best 6% per annum. It is further submitted that in the present case, appeal has been filed only by the mother and in case, the abovesaid claims of the



appellant are to be considered then the same should be considered as the full and final claim on behalf of appellant as well as respondent No.4.

4. This Court has heard learned counsel for the parties and has perused the paper book and finds that the amount, as claimed by the appellant, is in accordance with law and deserves to be granted to the appellant and respondent No.4 except for the rate of interest.

5. It could not be disputed that each of the claimants are entitled to Rs.48,000/- on account of consortium, whereas, only one claimant had been awarded an amount of Rs.40,000/- thus, total amount of Rs.56,000/- (Rs.48,000/- + Rs.8000/-) is required to be granted to the appellant and respondent No.4. On account of loss of consortium and on accounts of loss of estate and funeral expenses, the Tribunal had only granted an amount of Rs.15,000/- each to the claimants, whereas, as per the settled law the claimants are entitled to Rs.18,000/- each and thus, further an amount of Rs.6000/- is required to be granted to the appellant for herself and for the benefit of respondent No.4 and thus, they are entitled to additional compensation of Rs.62,000/-. With respect to the rate of interest, this Court has been consistently awarding rate of interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

6. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 06.02.2018 is suitably modified and respondent No.3 is directed to pay the additional amount of compensation to the tune of Rs.62,000/- to the appellant 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.



7. The payment of the said amount by respondent No.3 to the appellant would be considered as full and final claim on behalf of the appellant as well as respondent No.4 as the present appeal has been filed by the appellant for her own benefit and for the benefit of respondent No.4 and in case, respondent No.4 raises any claim, it is the appellant who would have to satisfy the said claim as has been agreed before this Court.

8. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

10.12.2025

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(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No