

2026:PHHC:014896



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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO-911-2023(O&M)

Date of decision : 02.02.2026

Sarbjit Kaur

... Appellant

Versus

Gurwant Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Harmanjit Singh Jugait, Advocate
for the appellant.

Ms.Rajni Godara, Advocate for
Mr.P.H.S. Pannu, Advocate
for respondent no.3

VIKAS BAHL, J.(ORAL)

CM-3722-CII-2023

1. Present application has been filed under Section 5 of the Limitation Act for condonation of delay of 19 days in filing the present appeal.

2. For the reasons mentioned in the application, which is duly supported by an affidavit, present application is allowed and the delay of 19 days in filing the present appeal is hereby condoned.

Main case

1. The mother of deceased Dharwinder Singh has filed the present



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appeal for enhancement of compensation.

2. The Tribunal vide award dated 16.09.2022 had awarded an amount of Rs.14,03,560/- with interest as compensation on account of death of Dharwinder Singh, who had died in a motor vehicular accident on 08.03.2018.

3. The only issue which arises for consideration in the present case is as to whether the present appellant is entitled to enhanced compensation or not, as the other aspects have not been disputed before this Court.

4. Learned counsel for the appellant has submitted that in the present case, the appellant has been awarded an amount of Rs.40,000/- on account of loss of filial consortium but the amount due on the said account is Rs.48,000/- as 10% increase has not been taken into consideration. It is further submitted that on accounts of loss of estate and funeral expenses, the appellant is entitled to Rs.18,000/- each but the Tribunal has awarded Rs.16,500/- each. It is submitted that thus, the appellant is entitled to additional compensation of Rs.11,000/-. It is submitted that the enhanced amount should be paid to the appellant along with interest at the rate of 9%. In support of his arguments, learned counsel for the appellant 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***.

5. Learned counsel for respondent no.3, on the other hand, has submitted that the rate of interest which the present appellant has sought for the enhanced compensation is highly excessive and the highest rate of interest which can be granted to the present appellant for the enhanced compensation is 6% per annum.

6. This Court has heard learned counsel for the appellant as well as learned counsel for respondent no.3 and has perused the paper book and is of the opinion that the amount as claimed by the appellant is in accordance with law and deserves to be granted except with respect to the rate of interest.

7. It is settled law that the appellant is entitled to an amount of Rs.18,000/- each on accounts of loss of estate and loss of funeral expenses whereas the Tribunal had awarded Rs.16,500/- each on the said two aspects and additional amount of Rs.3000/- is to be awarded to the appellant on said two accounts. Even with respect to loss of filial consortium, the amount which was required to be awarded to the appellant after taking into consideration the 10% increase should have been Rs.48,000/-, whereas Rs.40,000/- had been awarded. The said aspect is not disputed before this Court. Thus, the appellant is entitled to total additional compensation of Rs.11,000/-. With respect to the rate of interest, this Court is consistently



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awarding the rate of 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 abovesaid facts and circumstances, the present appeal is partly allowed and award dated 16.09.2022 is modified and respondent no.3 is directed to pay an additional amount of compensation to the tune of Rs.11,000/- 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 five weeks from today.

(VIKAS BAHL)
JUDGE

February 02, 2026.
Davinder Kumar

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