



140-A

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

FAO-1695-2020 (O&M)
Date of decision: 04.05.2026

Kavita and others

...Appellants

Versus

Rohtash and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. V.P. Sangwan, Advocate for the appellants.

Mr. Maninder Arora, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. Parents and a minor son of deceased-Dinesh Kumar have filed the present appeal for enhancement of compensation.

2. Learned counsel for the appellants has submitted that same is also for the benefit of respondent No.4 who is widow of deceased.

3. The Motor Accident Claims Tribunal, vide award dated 19.09.2018 had awarded an amount of compensation of Rs.13,55,200/- to the claimants along with interest on account of death of Dinesh Kumar which had occurred in a motor vehicular accident which took place on 29.03.2015. The only issue that arises for consideration before this Court is whether the claimants are entitled to additional compensation or not as other aspects are not being disputed.

4. Learned counsel for the appellants has submitted that in the present case, there were four claimants which included three appellants who are the parents and minor son of deceased and also respondent No.4 who is



widow of the deceased and for whose benefit, the present appeal has been filed. It is submitted that as per settled law, each of the claimants is entitled to a specific amount on account of loss of consortium which, in the facts and circumstances of the present case, would be Rs.40,000/-. It is submitted that the Tribunal had awarded only an amount of Rs.40,000/- to all the claimants on account of loss of consortium and thus, the claimants are entitled to an additional amount of compensation of Rs.1,20,000/- (Rs.40,000/- x 3) on account of loss of consortium. Thus, an additional amount of compensation of Rs.1,20,000/- (Rs.40,000/- x 3) is required to be awarded to the appellants and respondent No.4 on account of loss of consortium along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation.

5. Learned counsel for respondent No.3-Insurance Company, on the other hand, has submitted that the rate of interest which is sought to be claimed by the claimants 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. He has further pointed out that in case at a subsequent period of time, respondent No.4, who is the widow of the deceased, claims an amount on account of loss of consortium then the appellants would be responsible to pay the same to respondent No.4 from what they receive from the Insurance Company in pursuance of the present order.

6. Keeping in view the abovesaid facts and circumstances, more so, the fact that it is a matter of settled law that appellants along with respondent No.4 who are admittedly all dependent upon the deceased would be entitled to an amount of Rs.40,000/- each on account of loss of consortium. The



appellants for their own benefit and for benefit of respondent No.4 are entitled to an additional compensation of Rs.1,20,000/- (Rs.40,000/- x 3) on account of loss of consortium as the Tribunal had only awarded an amount of Rs.40,000/- on account of loss of consortium. 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. It is mutually agreed that the total enhanced amount would be paid by the Insurance Company to appellant No.1 who is mother of the deceased.

7. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 19.09.2018 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.1,20,000/- (Rs.40,000/- x 3) to appellant No.1, which would be full and final settlement for the benefit of the appellants as well as respondent No.4 and in case respondent No.4 raises any claim against Insurance Company on account of loss of consortium then appellant No.1 would satisfy the claim of respondent No.4, 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.

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

04.05.2026*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**