

FAO-1627-2019(O&M) 1

2026:PHHC:025667



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO-1627-2019(O&M)

Date of decision : 18.02.2026

Rani and others

... Appellants

Versus

Rakesh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Nitin Kumar Sharma, Advocate for
Mr.Pawan Attri, Advocate
for the appellants.

Mr. D.K. Prajapati, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

CM-4908-CII-2019

1. Present application has been filed under Section 5 of the Limitation Act for condonation of delay of 248 days in filing the present appeal.

2. Learned counsel for the applicants-appellants has submitted that for the period of 248 days, the appellants would not claim any interest and has prayed that the said delay be condoned.

3. For the reasons mentioned in the application, which is duly supported by an affidavit as well as on account of the fair statement made



on behalf of the appellants, present application is allowed and the delay of 248 days in filing the present appeal is hereby condoned.

4. As stated before this Court, the appellants would not claim interest for the said period of 248 days.

Main case

1. The widow as well as two children of the deceased Surrender, who had died in a motor vehicular accident, have filed the present appeal for enhancement of compensation.

2. The Motor Accident Claims Tribunal, vide order dated 21.02.2018 had awarded an amount of Rs.14,14,000/- as compensation along with interest.

3. The only issue which arises in the present appeal is whether the present appellants are entitled to any enhanced compensation or not, as the other aspects are not disputed before this Court.

4. Learned counsel for the appellants has submitted that in the present case, although there were three claimants but only an amount of Rs.40,000/- had been awarded on account of loss of consortium. It is submitted that even the benefit of 10% increase after three years had not been considered. It is submitted that the appellants are entitled to additional compensation of Rs.1,04,000/- (Rs.48,000 x 2 + Rs.8000) on account of loss of consortium, as in accordance with settled law each of the claimant is entitled to Rs.48,000/- on account of loss of consortium. It is submitted that on accounts of loss of estate as well as funeral expenses, an amount of



Rs.15,000/- each had been awarded, whereas the said amount should have been Rs.18,000/- each. 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***. It is submitted that thus, the appellants are entitled to additional compensation along with interest at the rate of 9% per annum.

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

6. This Court has heard learned counsel for the appellants as well as learned counsel for respondent no.3 and has perused the paper book and is of the opinion that the plea for enhancement raised by the learned counsel for the appellants is to be allowed except on the aspect of rate of interest. It is a matter of settled law that each of the claimants is entitled to an amount of Rs.48,000/- on account of loss of consortium. The Tribunal had awarded only an amount of Rs.40,000/- on account of loss of consortium. Thus, the appellants are entitled to additional compensation under the account of loss



of consortium to the tune of Rs.1,04,000/- (Rs.48,000 x 2 + Rs.8000). Further the claimants are also entitled to an amount of Rs.6000/- as additional compensation on accounts of loss of estate and loss of funeral expenses as they had been awarded only Rs.15,000/- each on the said two counts instead of Rs.18,000/- each on the said two counts. Thus, the present appellants are entitled to Rs.1,10,000/-. With respect to the rate of interest, this Court is consistently awarding the rate of interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case. Thus, the appellants are entitled to additional amount of compensation of Rs.1,10,000/- with interest at the rate of 7.5% per annum.

7. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and award dated 21.02.2018 is modified and respondent no.3 is directed to pay an additional amount of compensation to the tune of Rs.1,10,000/- 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 realization, within a period of six weeks from today, except for the period of 248 days, which was the delay in filing the present appeal.

(VIKAS BAHL)
JUDGE

February 18, 2026.
Davinder Kumar

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