



111

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

FAO-1875-2019 (O&M)
Date of decision: 09.02.2026

Sarabjit Kaur and another

...Appellants

Versus

Amandeep Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

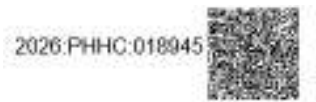
Present: Ms. Diksha, Advocate for
Mr. Deepak Arora, Advocate for the appellants.

Mr. Satpal Dhamija, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

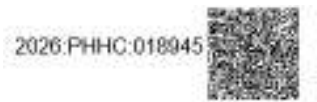
1. Wife and minor son of Lakhwinder Singh have filed the present appeal for enhancement of compensation. The Tribunal, vide award dated 16.10.2017 had awarded an amount of compensation of Rs.16,55,000/- to the claimants along with interest on account of death of Lakhwinder Singh which had taken place in a motor vehicular accident. The only issue that arises for consideration before this Court is as to whether the appellants are entitled to additional compensation or not as other aspects are not being disputed.

2. Learned counsel for the appellants has submitted that in the present case, the benefit of future prospects have not been given and the amount on account of loss of estate and funeral expenses are required to be given at the rate of Rs.19,500/- each. It is further submitted that on account of



loss of consortium, wife as well as minor child are entitled to Rs.52,000/- each. It is submitted that as per the same, the present appellants would be entitled to total amount of Rs.20,47,000/- whereas the Tribunal has only awarded an amount of Rs.16,55,000/- and thus, the appellants would be entitled to additional compensation of Rs.3,92,000/- and the said additional compensation should be awarded to the appellants along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation. In support of his arguments, learned counsel for the appellants has relied upon the law laid down by the Hon’ble Supreme Court in case 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**. He has submitted a chart which has been reproduced hereinbelow:-

1.	Date of Accident-19.04.2016	
2.	Name of deceased- Lakhwinder Singh Occupation- Laboratory Technician and Agriculturist Salary-10,000/-PM Age-30 years No. of claimants -2 (1 wife and 1 minor child)	
3.	Annual Income-	1,20,000
4.	Future Prospects-(+40%)	1,68,000 (1,20,000+48,000)
5.	Annual dependency (1/3)	1,12,000 (1,68,000-56,000)
6.	Multiplier- Thus, Amount-	17 19,04,000
7.	Conventional Heads (enhanced 10% every 3 years from 31-10-2017)	
i	Loss of Estate-	19,500
ii	Loss of consortium-	Wife (Spousal) -52,000 1 Minor Child (Parental)-52,000 Magma General Insurance co Ltd. V Nanu Ram (2018) 18 SCC 130



iii	Funeral Expenses-	19,500
	TOTAL-	20,47,000/-
	Interest	9% pa

Sd/- Diksha”

3. Learned counsel for respondent No.3-Insurance Company, on the other hand, has pointed out that on account of loss of consortium, highest amount that can be awarded is Rs.48,000/- each and thus, an amount of Rs.8,000/- is being sought in excess by the appellants. It is further submitted that even on account of loss of estate and funeral expenses, highest amount that can be awarded is Rs.18,000/- each and further submitted that amount which is being claimed by the appellants in the chart is Rs.3000/- more than the highest amount that can be paid to the appellants. It is submitted that the appellants have rightly stated that annual dependency is 1/3rd. It is submitted that even the rate of interest which is sought to be claimed by the appellants 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.
4. This Court has heard learned counsel for the parties and has perused the paper book and is of the opinion that the appellants are entitled to additional amount of compensation as mentioned in the chart submitted by the appellants except with respect to amount on account of loss of consortium, loss of estate, funeral expenses as well as the rate of interest which aspects have been highlighted by learned counsel for the Insurance Company.
5. It is a matter of settled law that the benefit of 40% on account of future prospects is required to be taken into consideration in order to assess the total income which has not been done by the Tribunal in the present case which is required to be done. In the chart, amount on account of loss of consortium



which is being claimed is Rs.52,000/- whereas as per the settled law, the said amount should have been Rs.48,000/- each as pointed out by learned counsel for the Insurance Company. Even on account of loss of estate and funeral expenses, amount claimed in the chart is excessive as the amount of Rs.19,500/- on the said aspects is stated to have been paid but as per the settled law, the said amount should have been Rs.18,000/- on account of each of the said aspects, as has been highlighted by learned counsel for the Insurance Company, which aspects have not been disputed on behalf of the appellants, thus, the appellants are entitled to additional amount of compensation of Rs.3,81,000/-. 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 16.10.2017 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.3,81,000/- 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.

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

09.02.2026*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**