

FAO-1092-2021(O&M) 1

2026:PHHC:078338



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO-1092-2021(O&M)

Date of decision : 19.05.2026

Mahendro and others

... Appellants

Versus

Pushpender and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Wazir Singh, Advocate
for the appellants.

Mr. Harinder Kumar, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

CM-8939-CII-2021

1. This is an application under Section 151 CPC for condonation of delay of 245 days in refiling the appeal.
2. For the reasons stated in the application, which is supported by an affidavit, the application is allowed and delay of 245 days in refiling the appeal is condoned.

Main case

1. The widow, mother and four minor children of the deceased Harpal have filed the present appeal for enhancement of compensation.
2. The Tribunal vide award dated 13.11.2019 had awarded an



amount of Rs.15,03,865/- as compensation along with interest on account of death of Harpal, who admittedly died in a motor vehicular accident.

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.

5. Learned counsel for the appellants has submitted that in the present case, there are six claimants, each of whom were entitled to Rs.44,000/- on account of loss of consortium but the Tribunal has only awarded an amount of Rs.40,000/- to claimant no.1 on the said aspect. It is submitted that thus, the appellants are entitled to an additional amount of Rs.2,24,000/- (44,000 x 5 + 4000) on the said count. It is further submitted that even on accounts of loss of estate and funeral expenses, an amount of Rs.15000/- each has been awarded without taking into consideration the 10% increase every 3 years and thus, an amount of Rs.16,500/- on each of said count should have been awarded to the appellants. It is submitted that thus the appellants are entitled to an additional amount of Rs.2,27,000/-. It is argued that even the rate of interest which has been awarded in the present case is only 7.5% per annum and has submitted that the rate of interest should be 9% per annum. 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 ***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***.

6. Learned counsel for respondent no.3-insurance company, 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.

7. The claim made by the appellants with respect to the loss of consortium is in accordance with law and it is a matter of settled law that each of the claimants is entitled to a separate amount on the said count. There are six claimants in the present case and each of the said claimants in view of the facts and circumstances of the present case and as per settled law, is entitled to Rs.44,000/-, whereas the Tribunal has awarded only an amount of Rs.40,000/- to claimant no.1 on loss of consortium. Thus, the appellants are entitled to Rs.2,24,000/- ($44,000 \times 4 + 4000$) on the said count. Even with respect to loss of estate and funeral expenses, the appellants are entitled to additional amount of Rs.1500/- in each of the said two counts and thus, the appellants are entitled to total compensation of Rs.2,27,000/-. With respect to interest, it would be relevant to note that the Tribunal had awarded interest at the rate of 7.5% per annum and this Court is also repeatedly awarding 7.5% per annum as interest. Accordingly the appellants are held entitled to an additional compensation of Rs.2,27,000/-. The rate of interest to which the present appellants are entitled to is 7.5% per annum on the entire amount of compensation including the enhanced



amount from the date of claim petition till the date of payment.

9. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and award dated 13.11.2019 is modified and respondent no.3 is directed to pay an additional amount of compensation to the tune of Rs.2,27,000/- 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.

(VIKAS BAHL)
JUDGE

May 19, 2026.
Davinder Kumar

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