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

FAO-3699-2019 (O&M)
Date of decision: 22.01.2026

Vinod Kumar and others

...Appellants

Versus

Baldev Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sachin Ohri, Advocate and
Ms. Tanu, Advocate for the appellants.

Mr. Imran A. Ali, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

CM-12984-CII-2019

1. This is an application filed under Section 5 of the Limitation Act for condonation of delay of 80 days in filing the appeal.
2. For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and delay of 80 days in filing the present appeal is condoned.

Main case

1. Son and two daughters of the deceased-Kunti Devi have filed the present appeal for enhancement of the compensation. Vide award dated 01.09.2018, the Tribunal had awarded the total compensation of Rs.3,13,500/- along with interest to the appellants on account of death of Kunti Devi which had taken place in a motor vehicular accident which took place on 18.03.2016. The only question that arises for consideration before



this Court is as to whether the appellants are entitled to enhancement of compensation or not as other aspects are not being disputed.

2. Learned counsel for the appellants has submitted that in the present case, the appellants are entitled to the amount of Rs.1,44,000/- (Rs.48,000/- x 3) on account of loss of consortium however, the Tribunal had not awarded any amount on the said account. It is submitted that the said amount be awarded to the appellants along with interest. It is further submitted that no amount on account of loss of estate had been awarded and thus, an amount of Rs.18,000/- on the said account be also awarded. It is thus, submitted that the present appellants are entitled to additional compensation of Rs.1,62,000/- 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**.

3. 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 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 finds that the amount claimed by the appellants is in accordance with law and deserves to be granted to the appellants except on the aspect of rate of interest.

5. In the present case, there are three claimants and as per the settled law, an amount of Rs.1,44,000/- (Rs.48,000 x 3) is to be awarded to the appellants on account of loss of consortium. An amount of Rs.18,000/- is also required to be awarded to the appellants on account of loss of estate. Accordingly, the appellants are entitled to an additional amount of compensation of Rs.1,62,000/-. 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 01.09.2018 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.1,62,000/- 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.

22.01.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No