

FAO-2953-2019

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2026:PHHC:059154



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO-2953-2019

Date of decision : 20.04.2026

Sonia and others

... Appellants

Versus

Sandeep Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Raghav Bali, Advocate for
Mr.Pankaj Bali, Advocate
for the claimants-appellants.

Mr.Varun Sharma, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

1. The widow, minor children and father of the deceased Sandeep Kumar have filed the present appeal for enhancement.
2. The Motor Accident Claims Tribunal, vide order dated 06.12.2018 had awarded an amount of Rs.13,77,376/- as compensation along with interest to the appellants on account of the death of Sandeep Kumar, which had taken place in a motor vehicular accident.
3. The only issue which arises in the present appeal is with respect to the fact, as to 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 four claimants and each of them was entitled to Rs.44,000/- on account of loss of consortium but the Tribunal has awarded only Rs.40,000/- on the said account. It is submitted that even the amount awarded by the Tribunal on account of funeral and conveyance expenses, and loss of estate at Rs.15,000/- each is on the lower side and the appellants are entitled to Rs.18,000/- on each of the two said aspects. It is submitted that the enhanced amount should be paid to the appellants along with interest at the rate of 9%. 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***.

5. Learned counsel for respondent no.3, 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.



7. It is not in dispute that there were four claimants in the present case who are now appellants before this Court. As per settled law, each claimant is entitled to Rs.44,000/- on account of loss of consortium but the Tribunal had awarded Rs.40,000/- on the said account, thus, an additional amount of Rs.1,36,000/- (Rs.44000 x 3 + 4000) is to be awarded to the appellants on the said account. Further, only an amount of Rs.15,000/- each has been awarded on account of funeral and conveyance expenses and on account of loss of estate, whereas for each of the said two aspects the appellants are entitled to Rs.18,000/-. Accordingly, an amount of Rs.6000/- as additional compensation is required to be awarded to the appellants on the said accounts. 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.

8. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and award dated 06.12.2018 is modified and respondent no.3 is directed to pay an additional amount of compensation to the tune of Rs.1,42,000/- 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

April 20, 2026.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No