



FAO No.3056 of 2019 (O&M)

1

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

111

FAO No.3056 of 2019 (O&M)
Date of decision: January 12th, 2026

Annu Bala and others

...Appellants

Versus

Darshan Kumar Chaudhary and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gulshan Nandwani, Advocate
for the appellants.

Mr. Navmohit Singh, Advocate
for respondent Nos.1 and 2.

Mr. Vishal Garg, Advocate
for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. Widow, minor children and mother of deceased Parveen Kumar have filed the present appeal for enhancement of compensation. Six claimants which include the present appellants and proforma respondents No.4 and 5 had filed the claim petition on account of death of Parveen Kumar which had taken place in a motor vehicular accident which occurred on 02.03.2017. The Motor Accidents Claims Tribunal vide award dated 18.10.2018 had awarded an amount of ₹17,83,600/- as compensation along with interest to the claimants. The only issue that arises for consideration in the present appeal is as to whether the appellants and respondents No.4 and 5 are entitled to enhancement of the said compensation or not as the other aspects have not been disputed before this Court.

**FAO No.3056 of 2019 (O&M)****2**

2. Learned counsel for the appellants has submitted that the sole ground on which the additional compensation is to be paid to the appellants is on account of loss of consortium. It is submitted that there were six claimants in the claim petition, and thus, they were entitled to a total amount of ₹2,88,000/- (48000 X 6) on account of loss of consortium but the Tribunal had awarded only an amount of ₹40,000/- on the said account. It is submitted that thus the appellants are entitled to an additional compensation of ₹2,48,000/-. It is submitted that the said amount be awarded to the appellants along with 9% per annum interest. 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 ***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, on the other hand, has submitted that the claim petition was filed by six claimants but the present appeal has been filed only by four appellants and not by the other two claimants. It is submitted that even in case consortium is to be granted, then the same should also cover the claims of respondents No.4 and 5 and in case, in future, respondents No.4 and 5 raise any claim, then respondent No.3 should not be held liable any further and the present appellants should satisfy the claim of respondents No.4 and 5. It is further submitted that the rate of interest claimed by the appellants is highly excessive and the highest rate of interest that should be granted is 6% per annum.

4. Learned counsel for the appellants in rebuttal has fairly

**FAO No.3056 of 2019 (O&M)**

3

submitted that the said amount would be full and final settlement with respect to the appellants as well as respondents No.4 and 5 and in case respondents No.4 and 5 raise any future claim, then the present appellants would satisfy the said claim.

5. This Court has heard the learned counsel for the parties and has perused the paper book and is of the opinion that the present appeal deserves to be partly allowed.

6. It is not in dispute that six claimants had filed the claim petition. As per settled law, each of the claimants, more so, when they are dependent upon the deceased, are entitled to an amount of ₹48,000/- on account of loss of consortium. Thus, all the six claimants were entitled to ₹2,88,000/- (48000 X 6) on account of consortium, whereas only an amount of ₹40,000/- had been awarded by the Tribunal on the said account. The said six claimants are thus entitled to an additional compensation of ₹2,48,000/-. The present appeal has been filed only by four appellants, however, the additional compensation of ₹2,48,000/- is for the benefit of the four appellants as well as the proforma respondents No.4 and 5 as has been undertaken before this Court by learned counsel for the appellants. In case respondents No.4 and 5 raise any claim, respondent No.3-Insurance Company would not be liable to pay any additional compensation and the present appellants would satisfy the said claim of respondents No.4 and 5. This Court has been repeatedly granting interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

7. Keeping in view the abovesaid facts and circumstances, the



FAO No.3056 of 2019 (O&M)

4

present appeal is partly allowed and the award dated 18.10.2018 passed by the Motor Accidents Claims Tribunal is modified and respondent No.3- Insurance Company is directed to pay additional compensation of ₹2,48,000/- 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.

8. It is made clear that the payment of the said amount would be full and final settlement on account of death of Parveen Kumar and would also cover the claim of the appellants as well as respondents No.4 and 5. In case respondents No.4 and 5 raise any future claim, it is the appellants who would satisfy the said claim.

January 12th, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: No