



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO-2674-2023

Date of decision : 02.02.2026

Balbir Kaur and another

... Appellants

Versus

Gian Chand and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vijay Lath, Advocate and
Mr.Naveen Sharma Moudgil, Advocate
for the appellants.

Mr.Nigam K. Bhardwaj, Advocate and
Ms.Tanu, Advocate for respondent no.3.

VIKAS BAHL, J.(ORAL)

1. The claimants-parents of the deceased Davinder Singh, who had died in a motor vehicular accident which had taken place on 10.07.2021, have filed the present appeal for enhancement.
2. The Tribunal vide award dated 02.08.2022 had awarded the total compensation of Rs.13,18,200/- along with interest.
3. The only issue arises for consideration in the present case is as to whether the appellants are entitled to additional compensation or not as the other aspects have not been disputed before this Court.
4. Learned counsel for the appellants has submitted that in the present case the income of the deceased was assessed as Rs.9000/- by considering him to be an unskilled labourer. It is submitted that as per



the relevant notification, the minimum wages to be paid to an unskilled labourer, at the relevant time, was Rs.9399.73 which can be rounded of to Rs.9400/-. It is further submitted that no amount had been granted on account of loss of filial consortium and thus, amount on the said aspect deserves to be granted. It is also argued that on accounts of loss of estate and funeral expenses, only an amount of Rs.16,500/- each had been awarded and the said amount also deserves to be enhanced. Learned counsel for the appellants has submitted a chart, which is reproduced hereinbelow:-

“F.A.O. NO.2674 of 2023	
Balbir Kaur & Another Versus Gian Chand & Others	
Date of death : 10.07.2021	
Date of birth : 19.06.1993	
Award Rs.13,18,200/-	
Tribunal	High Court claim
Rs.9,000/- p.m unskilled worker	Unskilled minimum wages
x 12	Rs.9399.73
-----	i.e. Rs.9,400/- p.m.
Rs.1,08,000/-	x 12
+ Rs.43,200/- 40%	-----
-----	Rs.1,12,800/-
Rs.1,51,200/-	+ Rs.45,120/-
- Rs.75,600/-	-----

Rs.75,600/-	Rs.1,57,920/-
x 17	-78,960/-
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Rs.12,85,200/-	
+ Rs.16,500/- Loss of Estate	Rs.78,960/-
+ Rs.16,500/- Funeral expenses	x 17
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	Rs.13,42,320/-
Rs.13,18,200/-	+ Rs.48,400/-
Alongwith interest @ 7.5 %	+ Rs.48,400/- Filial consortium
per annum from 11..08.2021	+ Rs.18,150/- Loss of Estate
	+ Rs.18,150/- funeral expenses

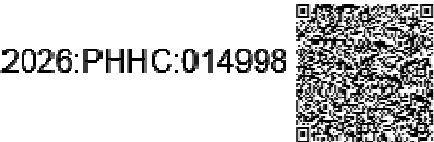
	Rs.14,75,420/-
	- Rs.13,18,200/-

Enhancement Rs.1,57,220/-”

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, 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.

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 and



has also considered the said chart and the same has been found to be in accordance with law.

7. It is not in dispute that at the relevant time, the minimum wages for unskilled worker was Rs.9399.73 (rounded of Rs.9400/-) and thus, the Tribunal had erred in assessing the monthly income of the deceased as Rs.9000/-. Moreover, the claimants, who are two in number, were required to be awarded Rs.48,400/- each on account of loss of filial consortium. Even the amounts awarded on accounts of loss of estate and funeral expenses are on lower side and have been rightly claimed by the appellants. Accordingly the appellants are entitled to Rs.1,57,220/- as additional compensation. 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 02.08.2022 is modified and respondent no.3 is directed to pay an additional amount of compensation to the tune of Rs.1,57,220/- 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

February 02, 2026.
Davinder Kumar

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