

FAO-2826-2024

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2026:PHHC:033816



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO-2826-2024

Date of decision : 05.03.2026

Bhartee Pal and others

... Appellants

Versus

Satender and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ankush, Advocate for
Mr. Sudhir Rana, Advocate
for the appellants.

Mr. Anil Mehla, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

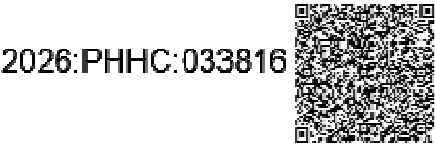
1. Widow, minor sons and parents of the deceased Bhupendr Pal have filed the present appeal for enhancement.
2. The Motor Accident Claims Tribunal, vide order dated 13.03.2024 had awarded an amount of Rs.16,77,560/- as compensation along with interest to the appellants on account of the death of Bhupendr Pal, which had taken place on 22.10.2022 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 five claimants but the Tribunal had awarded only an amount of Rs.44,000/- on account of loss of consortium, whereas each of the claimants / appellants are entitled to Rs.44,000/- on the said aspect. It is submitted that thus, additional amount of Rs.1,76,000/- (Rs.44,000 x 4) is to be paid to the appellants as additional compensation. 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, who is present in the Court and is on the panel of 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. A perusal of the paper book would show that there were five claimants, who had filed the claim petition and thus, as per settled law, each of the claimants are entitled to an amount of Rs.44,000/- on account of loss of consortium. A perusal of the award of the Tribunal would show that only an amount of Rs.44,000/- has been awarded on account of loss of consortium. Thus, the appellants are entitled to an amount of Rs.1,76,000/- (Rs.44,000 x 4) as additional compensation on account of loss of consortium. 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 13.03.2024 is modified and respondent no.3 is directed to pay an additional amount of compensation to the tune of Rs.1,76,000/- 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

March 05, 2026.
Davinder Kumar

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