



126

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

FAO-3463-2022 (O&M)

Date of decision: 09.03.2026

Surekha Devi and others

...Appellants

Versus

Pargat Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.S. Budhwar, Advocate for the appellants.

Mr. J.K. Khetarpal, Advocate for respondent Nos.1 and 2.

Mr. Punit Jain, Advocate for respondent No.3.

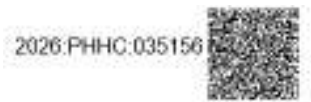
VIKAS BAHL, J. (ORAL)

1. Wife, minor daughter and mother of deceased Satish Kumar have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, vide award dated 07.04.2022 had awarded an amount of compensation of Rs.17,01,528/- to the claimants along with interest on account of death of Satish Kumar which had taken place in a motor vehicular accident. The only issue that arises for consideration before this Court is whether the appellants are entitled to additional compensation or not as other aspects are not being disputed.

2. Learned counsel for the appellants has submitted that the case



of the appellants-claimants is that the deceased was *Raj Mistri* (mason) and was earning Rs.20,000/- per month and since no cogent evidence regarding the salary/income of the deceased was placed on record thus, the deceased was taken as unskilled labourer and as per the relevant Notification issued by the Government at that time, the minimum wages with respect to unskilled labourer was Rs.8280/- per month but the Tribunal had wrongly assessed the amount of Rs.8070/- per month as wages. It is submitted that instead of Rs.8070/- per month, salary/income of the deceased is required to be taken as Rs.8280/- per month. It is further argued that on accounts of loss of estate, funeral expenses as well as loss of consortium, aspect of 10% increase has not been taken into consideration which is also required to be given to the appellants as per settled law. It is thus submitted that the appellants would be entitled to additional compensation of Rs.54,984/- 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. The chart which has been submitted on



behalf of the appellants is reproduced hereinbelow:-

Calculation in FAO-3463-2022		
SUREKHA DEVI VS. PARGAT SINGH		
	MACT	Hon’ble HC
Income	8070	8280
Future	40%	40%
Deduction	1/3rd	1/3rd
Multiplier	17	17
Loss of estate	16500	18000
Funeral expenses	16500	18000
Loss of consortium	1,32,000 (44000 x 3)	1,44,000 (48,000 x 3)
Total compensation	17,01,528	17,56,512
Difference/ Enhancement	17,56,512 – 17,01,528	
Scope	54,984	

Sd/- R.S. Budhwar”

3. Learned counsel for respondent Nos.1 and 2 as well as learned counsel for respondent No.3-Insurance Company, on the other hand, have 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 is of the opinion that the appellants are entitled to additional amount of compensation as mentioned in the chart submitted by the appellants.
5. As per the finding of the Tribunal in para 17, the deceased was taken as an unskilled labourer. It is not in dispute that minimum wages at the



relevant time was Rs.8280/- per month whereas the Tribunal had only awarded an amount of Rs.8070/- per month and thus, the enhancement claimed on the said account in the chart submitted by learned counsel for the appellants is in accordance with law and deserves to be upheld. The amounts on accounts of loss of estate, funeral expenses as well as loss of consortium as sought in the chart are also in accordance with settled law, as the benefit of 10% further increase is required to be granted by the Tribunal, which has not been granted in the present case. 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 07.04.2022 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.54,984/- 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.

09.03.2026*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**