

2026:PHHC:030514



FAO-3046-2025

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

\*\*\*

**FAO-3046-2025**

Date of decision : 25.02.2026

Rakhi Chauhan and others

... Appellants

Versus

Aman and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Kapish Singla, Advocate  
for the appellants.

Mr.Nigam K. Bhardwaj, Advocate  
for respondent no.3.

**VIKAS BAHL, J.(ORAL)**

1. The widow, minor son and mother of the deceased Sanjay Kumar have filed the present appeal for enhancement.
2. The Motor Accident Claims Tribunal, vide award dated 19.12.2024 had awarded an amount of Rs.35,48,550/- along with interest as total compensation on account of death of Sanjay Kumar which had taken place in the motor vehicular accident on 21.01.2020.
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. On 12.02.2026, this Court was pleased to pass the following order:-

“Present: Mr.Kapish Singla, Advocate  
for the appellants.  
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**CM-9762-CII-2025**

Present application has been filed under Section 5 of the Limitation Act for condonation of delay of 34 days in filing the present appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit, present application is allowed and the delay of 34 days in filing the present appeal is hereby condoned.

**Main case**

Learned counsel for the appellants has submitted that in the present case the appellants are entitled to additional compensation on the ground that the Tribunal has awarded 40% as future prospects, whereas in the present case of deceased, who was salaried employee, it should have been 50%.

Notice of motion for 25.02.2026.

Mr.Nigam K. Bhardwaj, Advocate, appears and accepts notice on behalf of respondent no.3 and prays for an adjournment to get instructions in the matter.

To be shown in the urgent list.

February 12, 2026”

5. Learned counsel for the appellants has reiterated arguments raised on behalf of the appellants on 12.02.2026 and has also referred to the chart which has been placed at page III along with the present appeal. The said chart is reproduced hereinbelow:-

**DEATH CASE**

|                    |                                         |
|--------------------|-----------------------------------------|
| DATE OF ACCIDENT:  | 21.01.2020                              |
| NAME OF DECEASED:  | Sanjay Kumar                            |
| AGE:               | 29 Years                                |
| VOCATION:          | Regional manager in Kotak Mahindra Bank |
| INCOME CLAIMED:    | 35,000/-                                |
| CLAIMANTS: Total-3 | Widow, minor son, mother                |



| HEADS                                   | AWARDED     | CLAIMED     |
|-----------------------------------------|-------------|-------------|
| INCOME:                                 | 17,692/-    | 17,692/-    |
| FUTURE PROSPECTS:                       | 40%         | 50%         |
| DEPENDENCY:                             | 1/3         | 1/3         |
| MULTIPLIER                              | 17          | 17          |
| Age:                                    |             |             |
| COMPENSATION:                           | 33,68,550/- | 36,09,168/- |
| LOSS OF CONSORTIUM                      | ---         | ---         |
| LOSS OF FILIAL AND PARENTAL CONSORTIUM: | 1,44,000/-  | 1,44,000/-  |
| LAST RITES                              | 18,000/-    | 18,000/-    |
| LOSS TO ESTATE:                         | 18,000/-    | 18,000/-    |
| TOTAL:                                  | 35,48,550/- | 37,89,168/- |

Sd/-  
Diksha & Kapish Singla”

It is submitted that since the deceased was a permanent salaried employee, thus, on account of future prospects, benefit of 50% of the salary of the deceased should have been taken into consideration instead of 40%. In support of his arguments, learned counsel for the appellants has relied upon the judgment of the Hon’ble Supreme Court in the case of **National Insurance Company Limited Vs. Pranay Sethi and others** reported as **(2017) 16 SCC 680**. It is submitted that thus, the appellants are entitled to additional compensation along with interest at the rate of 9% per annum.

6. 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.

7. 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



finds that the chart submitted by the learned counsel for the appellants is in accordance with law and deserves to be upheld.

8. It is not in dispute before this Court that the deceased was a permanent salaried employee and thus, as per settled law, the benefit of 50% of salary of the deceased is to be taken into consideration for calculating future prospects as shown in the chart. Accordingly, the present appellants are entitled to additional compensation of Rs.2,40,618/-. 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.

7. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and award dated 19.12.2024 is modified and respondent no.3 is directed to pay an additional amount of compensation to the tune of Rs.2,40,618/- 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 realization, within a period of six weeks from today.

(VIKAS BAHL)  
JUDGE

February 25, 2026.  
*Davinder Kumar*

|                             |        |
|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |