



125

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

FAO-2808-2024 (O&M)
Date of decision: 17.03.2026

Chameli and others

...Appellants

Versus

Ishwar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Meenakshi Saroop, Advocate for
Mr. Vishal Yadav, Advocate for the appellants.

Mr. Pradeep Kumar, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. Widow, two minor daughters and one minor son have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, vide award dated 26.04.2024 had awarded an amount of compensation of Rs.17,86,918/- to the claimants along with interest on account of death of Rajender Prasad which had occurred in a motor vehicular accident which took place on 27.03.2021. 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 in the present case, admittedly, there are four claimants but the Tribunal had



awarded only an amount of Rs.48,400/- on account of loss of consortium to appellant No.1 and had not granted the said amount to the other three claimants/appellants. It is submitted that on account of loss of consortium an additional amount of Rs.1,44,000/- (Rs.48,000/- x 3) is required to be granted to the three appellants. It is thus, submitted that the appellants would be entitled to additional compensation of Rs.1,44,000/- 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**.

3. Learned counsel for respondent No.3-Insurance Company, on the other hand, has 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 above.

5. It is a matter of settled law that the claimants are entitled to the amount of Rs.48,000/- each on account of loss of consortium. In the present



case, it is not in dispute that only claimant No.1 had been awarded an amount of Rs.48,400/- on account of loss of consortium and the other three claimants who are minor daughters and minor son of the deceased have not been granted the same. Thus, the appellants except appellant No.1 are entitled to an amount of Rs.1,44,000/- (Rs.48,000/- x 3) on account of loss of consortium as an additional compensation. 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 26.04.2024 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.1,44,000/- 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.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

17.03.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No