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

FAO-3034-2026 (O&M)
Date of decision: 27.05.2026

Ruby and others

...Appellants

Versus

Narender Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Didar Singh, Advocate and
Mr. Lekhmehar, Advocate for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.3-Insurance Company.

VIKAS BAHL, J. (ORAL)

CM-10981-CII-2026

1. This is an application filed under Section 5 of the Limitation Act for condonation of delay of 482 days in filing the appeal.

2. For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and delay of 482 days in filing the present appeal is condoned.

Main case

1. Seven claimants had filed the claim petition for grant of compensation on account of death of Sunil which had occurred in a motor vehicular accident which took place on 26.12.2019. Out of seven claimants,



three claimants/present appellants have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, vide award dated 29.10.2024 had awarded an amount of compensation of Rs.30,95,820/- to all the claimants along with interest. The only issue that arises for consideration before this Court is whether the present 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, the Tribunal had not granted the benefit of consortium to all the said seven claimants and had granted the same to five claimants only. It is submitted that thus, on account of loss of consortium, the appellants are entitled to additional amount of compensation of Rs.88,000/- (Rs.44,000/- x 2) 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 **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. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the prayer made on behalf of the appellants for enhancement of compensation on the point raised before this Court is meritorious, as it is settled law that every claimant, who has filed the claim petition, is entitled to compensation on account of loss of consortium to the tune of Rs.44,000/-. In the present case, two of the claimants have not been awarded the said amount and thus, in the facts and circumstances of the present case, total amount of Rs.88,000/- (Rs.44,000/- x 2) as additional compensation on account of loss of consortium is required to be paid to the appellants. 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.

5. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 29.10.2024 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.88,000/- (Rs.44,000/- x 2) 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.

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

27.05.2026

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No