



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO-3754-2009

Date of decision : 18.05.2026

Ramesh Rani and others

... Appellant

Versus

Ashwani Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Chopra, Advocate
for the appellant.

Mr. R. C. Kapoor, Advocate
for respondent no.3.

Mr. Neeraj Khanna, Advocate
for respondent no.4.

VIKAS BAHL, J.(ORAL)

1. The parents of deceased Esha had filed the claim petition for enhancement of the compensation.
2. The Motor Accident Claims Tribunal vide award dated 11.11.2008 had awarded an amount of Rs.1,25,000/- as compensation on account of death of the said Esha which had taken place in a motor vehicular accident.
3. The present appeal has been filed by the mother and also by the legal representatives of the father, who had died during the proceedings before the Tribunal.



4. 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.

5. Learned counsel for the appellants has submitted that in the present case the deceased was admittedly 17 years of age and the Tribunal has observed that since in all likelihood she would have married by the age of 21 / 22 years, thus has applied the multiplier of only 5. It is submitted that the age of 21/22 is a very young age for marriage and the Tribunal should have at least taken the age of 25 years as the marriageable age and should have taken into consideration that till 25 years of age, the said deceased would have supported her parents and in the said circumstances, should have taken the multiplier as 8. It is further submitted that no amount on account of loss of consortium has been granted in the present case and thus, the amount of Rs.40,000/- on the said count should have been granted. It is submitted that the amount on account of funeral expenses has been given as Rs.5,000 instead of Rs.15,000/-. It is argued that even the rate of interest which has been awarded in the present case is only 6% per annum and has submitted that the rate of interest should be 9% per annum. 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.***

6. Learned counsel for respondent no.3-insurance company, 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. Learned counsel for the appellants after taking into consideration the objections raised on behalf of respondent no.3-insurance company has made a revised chart, which is reproduced hereinbelow:-

“Death case Esha Rani

Assessment by Ld.MACT, Ferozepur

1.	<i>Annual dependence -</i>	<i>24000/-</i>
2.	<i>Funeral Expenses -</i>	<i>5000/-</i>
3.	<i>Multiplier -</i>	<i>5 - (120000/-)</i>
	<i>Total</i>	<i><u>125000/-</u></i>

6% interest from date of application

Enhanced Amount-

1.	<i>Annual dependency -</i>	<i>24000</i>
2.	<i>Funeral Expenses</i>	<i>- 15000/- (10000 as 5000 granted by the MACT, Fzr. (10000)</i>
3.	<i>Consortium</i>	<i>- 40000/-</i>
4.	<i>Multiplier</i>	<i>- 8</i>
	<i>Total</i>	<i>247000/-</i>
	<i>Interest</i>	<i>7.5%</i>
	<i>Total interest -</i>	<i>398674/-</i>



645674/- “

8. Since the present appeal is being pursued by the mother and the LRs of the father, thus, the claim made by the appellants to the effect that at least Rs.40,000/- should be awarded as loss of consortium is in accordance with law. The amount awarded on account of funeral expenses was Rs.5000/-, whereas as per settled law, the appellants are entitled to an amount of Rs.15,000/- on account of funeral expenses. The Tribunal in para 20 of its award had observed that the deceased was of 17 years of age and the Tribunal had further observed that since she would have been married by the age of 21/22 and would have only been able to support her parents for a period of about 5 years, thus, the multiplier of 5 has been applied. The arguments on behalf of the appellants to the effect that the higher multiplier should be applied and at any rate, in case the factum with respect to marriage is to be taken into consideration, then, the age of 25 years would be the appropriate age and not 21/22 years as taken by the Tribunal. Thus, this Court is of the opinion that the arguments raised on behalf of the appellants on the said aspect is weighty and is much closer to reality. Accordingly the appellants are right in stating that at least multiplier of 8 should be applied. With respect to interest, it would be relevant to note that the Tribunal had awarded interest at the rate of 6% per annum which is on the lower side and this Court has repeatedly awarded 7.5% per cent per annum as interest. Accordingly the appellants are held entitled to an additional compensation of Rs.1,22,000/-. The rate of interest to which the

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present appellants are entitled to is 7.5% per annum on the entire amount of compensation including the enhanced amount from the date of claim petition till the date of payment.

9. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and award dated 11.11.2008 is modified and respondent no.3 is directed to pay an additional amount of compensation to the tune of Rs.1,22,000/- to the appellants along with interest at the rate of 7.5% per annum on the entire amount of compensation including the enhanced amount from the date of filing of the claim petition till its realisation within a period of eight weeks from today.

(VIKAS BAHL)
JUDGE

May 18, 2026.
Davinder Kumar

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