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

FAO-5267-2019 (O&M)
Date of decision: 04.05.2026

Ramveer and another

...Appellants

Versus

Manjeet Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jai Singh Yadav, Advocate for the appellants.

Mr. Lalit Garg, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

CM-17240-CII-2019

1. This is an application filed under Section 5 of the Limitation Act, for condonation of delay of 32 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 32 days in filing the present appeal is condoned.

Main case

1. Parents of the deceased-Narendra Kumar have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, vide award dated 12.03.2019 had awarded an amount of compensation of Rs.12,50,184/- to the claimants along with interest on account of death of Narendra Kumar which had occurred in a motor vehicular accident which took place on 08.10.2016. 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, there are two claimants but the Tribunal has not paid any amount on account of loss of consortium and as per settled law, each of the claimant is entitled to a specific amount, which in the facts and circumstances of the present case would be Rs.44,000/- each. It is submitted that the appellants are thus, entitled to an amount of Rs.88,000/- (Rs.44,000/- x 2) as additional compensation 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 is entitled to compensation on account of loss of consortium and 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 12.03.2019 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 five weeks from today.

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

04.05.2026*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**