

**FAO No.5713 of 2019****1**

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

122

FAO No.5713 of 2019

Date of decision: March 9th, 2026

Vidya Devi and others

...Appellants

Versus

Sunil Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikrant Singh Cooner, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. Widow as well as the sons of deceased Ram Swaroop have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal vide award dated 08.04.2019 had awarded an amount of ₹70,000/- along with interest to the appellants on account of death of Ram Swaroop, which had taken place in a motor vehicular accident which occurred on 30.03.2018. The only issue that arises in the present appeal is as to whether the appellants are entitled to enhancement of the said compensation, as the other aspects have not been disputed before this Court.

2. Learned counsel for the appellants has submitted that in the present case, three claimants had filed the claim petition, who are also appellants before this Court but the Tribunal has awarded only an amount of ₹40,000/- on account of loss of consortium. It is submitted that as per settled law, each of the claimants is entitled to an amount of ₹44,000/- on account



of loss of consortium and thus, an additional compensation of ₹92,000/- (44000 X 2 + 4000) is to be granted to the appellants on the said ground. It is further argued that interest at the rate of 9% be granted on the said additional amount. 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 ***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, on the other hand, has submitted that the interest sought to be charged by the appellants is highly excessive and the highest rate of interest that should be granted is 6% per annum.

4. This Court has heard the learned counsel for the parties and has perused the paper book.

5. It is a matter of settled law that each of the claimants is entitled to an amount of ₹44,000/- on account of loss of consortium and there are three claimants in the present case. The Tribunal has awarded only an amount of ₹40,000/- on account of loss of consortium. Thus, the counsel for the appellants has rightly submitted that the appellants are entitled to an additional compensation of ₹44,000 X 2 + 4,000 under the head of loss of consortium. Accordingly, the appellants are entitled to an additional compensation of ₹92,000/- 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.



FAO No.5713 of 2019

3

6. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 08.04.2019 passed by the Motor Accident Claims Tribunal is modified and respondent No.3- Insurance Company is directed to pay an amount of ₹92,000/- 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.

March 9th, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No