IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

****

FAO-6683-2023(O&M)
Date of decision : 19.01.2026

Gurwant Kaur and another

... Appellants

Versus

Mukesh Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Naveen Singh Mandhan, Advocate
for the appellants.

Mr.Paul S. Saini, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

CM- 23280-CII-2023

1. This is an application under Section 151 CPC for condonation of delay of 1303 days in refiling the appeal.

2. Learned counsel for the applicants-appellants has submitted that for the period of 1303 days, the appellants would not claim any interest and has prayed that the said delay be condoned.

3. For the reasons mentioned in the application, which is duly supported by an affidavit as well as on account of the fair statement made on behalf of the appellants, present application is allowed and the delay of 1303 days in refiling the present appeal is hereby condoned.

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4. As stated before this Court, the appellants would not claim interest for the said period of 1303 days.

CM-23282-CII-2023

1. Present application has been filed under Section 5 of the Limitation Act for condonation of delay of 238 days in filing the present appeal.

2. Learned counsel for the applicants-appellants has submitted that for the period of 238 days, the appellants would not claim any interest and has prayed that the said delay be condoned.

3. For the reasons mentioned in the application, which is duly supported by an affidavit as well as on account of the fair statement made on behalf of the appellants, present application is allowed and the delay of 238 days in filing the present appeal is hereby condoned.

4. As stated before this Court, the appellants would not claim interest for the said period of 238 days.

Main case

1. The parents of the deceased Jeevanjot Singh, who had died in the motor vehicular accident which took place on 17.03.2018, have filed the present appeal for enhancement of compensation.

2. The Motor Accident Claims Tribunal had awarded an amount of Rs.15,94,920/- along with interest as compensation.

3. The only issue which arises for consideration in the present case before this Court is as to whether the appellants are entitled to

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additional compensation or not. The other issues are not contested before this Court.

4. Learned counsel for the appellants has submitted that the appellants have not been granted any amount on account of loss of filial consortium and on the said count, an amount of Rs.96,000/- (Rs.48,000 x 2) is to be paid to the appellants. It is further submitted that the said amount be released to the appellants along with interest at the rate of 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***.

5. Learned counsel for respondent no.3 has submitted that the interest which is sought to be applied by the present appellants is highly excessive and the highest rate of interest which can be granted on the additional compensation is 6% per annum. It is further submitted that since there is huge delay in filing the appeal and refilling the appeal, the said period be excluded from the period of interest.

6. This Court has heard learned counsel for the appellants and learned counsel for respondent no.3 and has perused the paper book and finds that the amount which is claimed by the appellants have been rightly

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claimed by the appellants except the rate of interest.

7. It is not in dispute that the appellants are the parents of the deceased Jeevanjot Singh and are held entitled to filial consortium to the extent of Rs.96,000/- (Rs.48,000 x 2) and thus, the appellants are entitled to additional amount of compensation of Rs.96,000/-. This Court has been repeatedly granting interest at the rate of 7.5% per annum. There is huge delay in filing the appeal as well as in refilling. Thus, learned counsel for respondent no.3 has submitted that the interest for the said period should not be granted. Learned counsel for the appellants has also not contested the said aspect.

8. Keeping in view the above said facts and circumstances, the present appeal is partly allowed and the award dated 02.11.2018 is modified and respondent no.3-insurance company is directed to pay additional amount of Rs.96,000/- along with interest at the rate of 7.5% per annum to the appellants from the date of filing of the claim petition till its realisation excluding the period of delay in filing and refilling the appeal, within a period of eight weeks from today.

(VIKAS BAHL)
JUDGE

January 19, 2026.
Davinder Kumar

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

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