



FAO No.1411 of 2020 (O&M)

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

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FAO No.1411 of 2020 (O&M)
Date of decision: January 12th, 2026

Kamlesh and others

...Appellants

Versus

Jayant Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Navmohit Singh, Advocate
for the appellants.

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

VIKAS BAHL, J. (ORAL)

CM-4215-CII-2020

This is an application filed under Section 5 of the Limitation Act for condonation of delay of 107 days in filing the appeal.

For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and delay of 107 days in filing the present appeal is condoned.

Main case

1. Widow, two minor children and old parents of deceased Vinod Kumar have filed the present appeal for enhancement of compensation. Vide award dated 14.05.2019, the Tribunal had awarded an amount of ₹13,80,642/- as compensation along with interest to the appellants on account of death of Vinod Kumar which had taken place in a motor vehicular accident on 02.09.2017. The only issue which arises for



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consideration in the present appeal is as to whether the appellants are entitled to additional compensation or not as the other aspects have not been disputed before this Court.

2. Learned counsel for the appellants has submitted that there were five claimants and thus, they were entitled to a total amount of ₹2,40,000/- (48000 X 5) on account of consortium, whereas the appellants have only been given an amount of ₹40,000/- by the Tribunal on the said account. It is submitted that thus the appellants are entitled to an additional compensation of ₹2 lakh. It is submitted that the said amount be awarded to the appellants along with 9% interest. 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 rate of interest claimed 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 and is of the opinion that the present appeal deserves to be partly allowed.

5. As per settled law, each of the claimants, more so when they are dependent upon the deceased, are entitled to an amount of ₹48,000/- on account of consortium. Thus, all the five claimants were entitled to ₹2,40,000/- (48000 X 5) on account of consortium, whereas only an amount



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of ₹40,000/- has been awarded by the Tribunal on the said account. The said five claimants are thus entitled to additional compensation of ₹2 lakh. This Court has been repeatedly granting interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

6. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 14.05.2019 passed by the Motor Accidents Claims Tribunal is modified and respondent No.3- Insurance Company is directed to pay additional compensation of ₹2 lakh 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.

7. Pending application, if any, stands disposed of.

January 12th, 2026

Puneet

(VIKAS BAHL)

JUDGE

Whether speaking/reasoned: Yes

Whether reportable: No