



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

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FAO-461-2020 (O&M)

Date of decision: 29.04.2026

Salinder Kaur @ Shindo and others

...Appellants

Versus

Gurpreet Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vinod Pundir, Advocate for
Mr. Satbir Rathore, Advocate for the appellants.

Mr. D.S. Bhinder, Advocate for respondent No.1.

Ms. Meenakshi Bali, Advocate for
Mr. Krishna Kant, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. Widow, four daughters and one son have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, vide award dated 01.11.2019 had awarded an amount of compensation of Rs.12,59,883/- to the claimants along with interest on account of death of Malkiat Singh which had occurred in a motor vehicular accident which took place on 04.02.2019. 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, although, there are six claimants but only an amount of Rs.40,000/- on account of loss of consortium had been awarded. It is submitted that an amount of Rs.2,24,000/- (Rs.44,000/- x 5 + Rs.4,000/-) is required to be granted to the appellants as it is a matter of settled law that



each of the claimant is entitled to an amount of Rs.44,000/- on the said account. It is further submitted that on accounts of loss of estate and funeral expenses, the Tribunal had awarded an amount of Rs.15,000/- each whereas the appellants are entitled to an amount of Rs.18,000/- each on the said two aspects. It is thus, submitted that the appellants would be entitled to an additional compensation of Rs.2,30,000/- 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.

3. Learned counsel for respondent No.1 as well as learned counsel for respondent No.2-Insurance Company, on the other hand, have 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. This Court has heard learned counsel for the parties and has perused the paper book and is of the opinion that the prayer made by learned counsel for the appellants is in accordance with law and deserves to be granted except on the rate of interest.

5. It is a matter of settled law that each claimant is entitled to a separate amount on account of loss of consortium. In the facts and circumstances of the present case, the appellants are entitled to an amount of Rs.44,000/- each whereas only one appellant/claimant had been granted Rs.40,000/- and thus, on account of loss of consortium, the appellants are entitled to an amount of Rs.2,24,000/- (Rs.44,000/- x 5 + Rs.4,000/-). Even on accounts of loss of estate and funeral expenses, the appellants are entitled



to an amount of Rs.18,000/- each whereas the Tribunal had granted an amount of Rs.15,000/- each to the appellants and thus, an amount of Rs.6000/- is to be awarded to the appellants. In the said circumstances, the appellants are entitled to an amount of Rs.2,30,000/- as additional compensation. 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.

6. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 01.11.2019 is modified and respondent No.2-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.2,30,000/- 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 six weeks from today.

7. A perusal of para 16 of the award would show that the Tribunal had given a finding that the Insurance Company has recovery rights, which finding has not been challenged by respondent No.1 by filing an appeal. Accordingly, respondent No.2 is directed to pay the additional compensation along with interest to the claimants and respondent No.2 would be entitled to recover the said amount subsequently from respondent No.1.

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

29.04.2026

Pawan

**(VIKAS BAHL)
JUDGE**

**Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**