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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1078-2024 (O&M)
Date of decision: 13.05.2026

Pooja and others

...Appellants

Versus

Jakil Mohammad @ Popna and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. G.C. Shahpuri, Advocate for the appellants.

Mr. Aseem Aggarwal, Advocate for respondent No.2.

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VIKAS BAHL, J. (ORAL)

1. Widow, mother and minor son of the deceased-Sandeep Kumar have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, vide award dated 10.11.2023 had awarded an amount of compensation of Rs.13,33,360/- to the appellants/claimants along with interest on account of death of Sandeep Kumar which had occurred in a motor vehicular accident which took place on 21.11.2019. 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, the multiplier of ‘14’ had been wrongly applied by the

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Tribunal whereas multiplier of '15' should have been applied as the deceased was less than 41 years of age at the time of accident. It is further stated that on account of loss of consortium, only an amount of Rs.40,000/- had been awarded to the appellants in spite of the fact that there were three claimants and as per settled law, each of the claimants is entitled to an amount of Rs.48,000/-. It is submitted that on the said aspect, an additional amount of compensation of Rs.1,04,000/- (Rs.48,000 x 2 +Rs.8000/-) is to be awarded to the appellants. It is further submitted that on account of funeral expenses and loss of estate, only an amount of Rs.15,000/- had been awarded whereas on the said two accounts, an amount of Rs.18,000/- is to be awarded on each of the said two aspects. It is thus, submitted that the appellants would be entitled to an additional compensation of Rs.2,00,240/- 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 ***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***.

3. Learned counsel for respondent No.2-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

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highest rate of interest that can be awarded on the additional amount of compensation is at best 6% per annum.

4. Learned counsel for the appellants, after taking into consideration the objection raised on behalf of the Insurance Company, has submitted revised chart which is reproduced hereinbelow:-

"APPLICANT HEREIN: Smt Pooja & others
DATE OF ACCIDENT: 21.11.2019
NATURE OF CASE: DEATH CASE
AGE OF DECEASED/INJURED: 40
DRIVING LICENCE/ROUTE PERMIT/INSURANCE:

Details of Relief Granted/ Claimed

Details	*Before The Tribunal*	*Compensation Claimed as per Judgements Of Sarla Verma, Pranaysethi & Magma General Insurance*
Income	*Monthly: Rs 9,024/-* *Annual: Rs 1,08,288/-*	*Monthly: Rs 9,024/-* *Annual: Rs 1,08,288/-*
Future Prospects	*25%*	*25%*
Multiplier	*14*	*15*
Additional (Future Prospects)	*Rs 9,024+2256=11,280*	*Rs 9,024+2256=11,280*
Deductions for personal and living expenses	*1/3rd of 11280 = 11280-3760=Rs. 7520/-*	*1/3rd of 11280 = 11280-3760=Rs. 7520/-*
Net Income	*Rs. 7520/-*	*Rs. 7520/-*
Loss of Income	*Rs. 7520 x 12 x 14 = 12,63,360/-*	*Rs. 7520 x 12x 15=Rs. 13,53,600/-*
Loss of Consortium	*Rs. 40,000/-*	*Rs. 48,000/-*
Loss of Natural love & Affection		*Rs. 48,000 x 2=Rs. 96,000/-*

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Funeral Expenses	*Rs. 15,000/-*	*Rs. 18,000/-*
loss of estate	*Rs. 15,000/-*	*Rs. 18,000/-*
Total Compensation	*Rs. 13,33,360/-*	*Rs. 15,33,600/-*
Difference		*15,33,600- 13,33,360= Rs.2,00,240/-*
Interest	*7.5%*	*1,05,126/- For 7 yrs 7.5%*
Total		*2,00,240+1,05,126= Rs. 3,05,366/-*

”

5. 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 and the revised chart submitted by learned counsel for the appellants is in accordance with law and deserves to be upheld.

6. In the present case, since the deceased was less than 41 years of age at the time of accident, the multiplier of ‘15’ would be applicable and not ‘14’ which had been applied by the Tribunal. It is a matter of settled law that each of the claimants is entitled to an amount of Rs.48,000/- on account of loss of consortium whereas the Tribunal had only awarded an amount of Rs.40,000/- to all the three claimants and thus, on the said aspect, an additional amount of compensation of Rs.1,04,000/- (Rs.48,000 x 2 +Rs.8000/-) would be required to be paid to the appellants. On account of funeral expenses and loss of estate, an amount of Rs.18,000/- on each of the said two aspects, as claimed by the appellants, is also in accordance with law. In the said circumstances, the appellants are

entitled to an amount of Rs.2,00,240/- 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.

7. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 10.11.2023 is modified and respondent No.2-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.2,00,240/- 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.

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

13.05.2026 **(VIKAS BAHL)**
Pawan **JUDGE**

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

Whether reportable:- **Yes/No**