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

FAO-6268-2017 (O&M)

Date of decision: 20.03.2026

Girja Devi and others

...Appellants

Versus

Narinder Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Yash Goyal, Advocate for the appellants.

Mr. Amit Kumar Goyal, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. Widow, two sons and one daughter have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, vide award dated 05.04.2017 had awarded an amount of compensation of Rs.10,20,000/- to the claimants along with interest on account of death of Janki Mahto @ Janki Prashad which had occurred in a motor vehicular accident which took place on 13.06.2015. 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 deceased was 50 years of age at the time of accident and the claimants have not been granted the benefit of future prospects of 10% of income of the deceased. It is submitted that same is required to be



granted to the appellants as per the settled law. It is further stated that there are four claimants in the present case and thus, each of the claimants was entitled to Rs.40,000/- on account of loss of consortium/love and affection and thus, total amount of Rs.1,60,000/- should have been awarded on the said aspect whereas the Tribunal had granted the consolidated amount of Rs.1,00,000/- on account of love and affection. It is submitted that additional compensation of Rs.60,000/- should be awarded on the said aspect. It is thus, submitted that the appellants would be entitled to additional compensation of Rs.1,41,720/- 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*. Learned counsel for the appellants has prepared a calculation chart which is reproduced hereinbelow:-

“CALCULATION CHART

Awarded Amount

<i>Income</i>	<i>(Rs.5,250 x 12 x 13)</i>	=	<i>Rs. 8,19,000/-</i>
<i>Love and affection</i>		=	<i>Rs. 1,00,000/-</i>
<i>Funeral Expenses</i>		=	<i>Rs. 50,000/-</i>
<i>Bills and Taxi expenses</i>		=	<i><u>Rs. 50,820/-</u></i>



Total Awarded amount (rounded off) = Rs.10,20,000/-

Revised Calculation of Awarded amount

*The MACT had not granted **future prospects of 10%** as per the age of the deceased i.e. 50 years at the time of accident. Rs.5250+525 (future prospects) = Rs.5775/-*

*The MACT has also not granted **loss of consortium** to all the claimants i.e. Rs.1,60,000/- (Rs.40,000 X 4) and instead only awarded Rs.1,00,000/- for love and affection.*

Revised Income (Rs.5,775 x 12 x 13) = Rs. 9,00,900/-

Revised Loss of consortium/love & affection= Rs. 1,60,000/-

Funeral Expenses = Rs. 50,000/-

Bills and Taxi expenses = Rs. 50,820/-

Total revised award amount = **Rs.11,61,720/-**

Less: Awarded amt. = (Rs.10,20,000/-)

Amount to be enhanced = **Rs. 1,41,720/-**

Submitted By:

Date: 20.03.2026

Sd/- Rajdeep Singh Chugh, (Advocate)''

3. Learned counsel for respondent No.3-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 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 calculation chart which has been submitted by learned counsel for the appellants is in accordance with law and the compensation claimed by the appellants deserves to be



allowed.

5. In the present case, the deceased was 50 years of age at the time of accident and thus, as per the settled law, the benefit of future prospects of 10% of the salary of the deceased was required to be taken into consideration for the purpose of assessing total compensation. There are four claimants and thus, amount of Rs.1,60,000/- (Rs.40,000/- x 4) was required to be paid on account of loss of consortium whereas the Tribunal had awarded only an amount of Rs.1,00,000/- on account of love and affection. In the said circumstances, the appellants are entitled to an amount of Rs.1,41,720/- as an 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 05.04.2017 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.1,41,720/- 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. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

20.03.2026

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No