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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**FAO-1588-2022 (O&M)
Date of decision: 14.05.2026

Harpal Kaur and others ...Appellants

Versus

Nirmel Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Mr. Sandeep Kumar Rawal, Advocate and
Mr. Rakesh Gupta, Advocate for the appellants.

Mr. Punit Jain, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. Widow, two daughters and son of the deceased-Sukhwinder Singh have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, vide award dated 26.10.2021 had awarded an amount of compensation of Rs.19,67,000/- to the appellants/claimants along with interest on account of death of Sukhwinder Singh which had occurred in a motor vehicular accident which took place on 11.04.2021. 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, there are four claimants but on account of loss of consortium, only an amount of Rs.44,000/- has been awarded to all the claimants whereas as per settled law each of the claimant is entitled to an amount of Rs.48,000/- after taking into consideration 10% increase after every three years. It is submitted that on the said aspect, an additional amount of compensation of



Rs.1,48,000/- (Rs.48,000 x 3 +Rs.4000/-) is to be awarded to the appellants. It is further submitted that on accounts of funeral expenses and loss of estate, only an amount of Rs.16,500/- each 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 and thus, additional compensation of Rs.3000/- on the said aspects is also required to be awarded to the appellants. It is thus, submitted that the appellants would be entitled to an additional compensation of Rs.1,51,000/- 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. 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 ***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 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. In the present case, the amount claimed by the appellants on



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account of loss of consortium is in accordance with law, inasmuch as, it is a matter of settled law that each of the claimant is entitled to separate amount on account of loss of consortium and in the present case, the said amount would be Rs.48,000/- each thus, additional amount of compensation of Rs.1,48,000/- (Rs.48,000 x 3 +Rs.4000/-) is required to be awarded to the appellants on the said account. On accounts of funeral expenses and loss of estate, the amount to which the appellants are entitled to would be Rs.18,000/- each whereas the Tribunal had awarded only an amount of Rs.16,500/- on each of the said aspects and thus, additional compensation of Rs.3000/- on the said aspects is also required to be awarded to the appellants. In the said circumstances, the appellants are entitled to an amount of Rs.1,51,000/- 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 26.10.2021 is modified and respondent No.2-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.1,51,000/- 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. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

14.05.2026

Pawan

(VIKAS BAHL)
JUDGE

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