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FAO No.6110 of 2023

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

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FAO No.6110 of 2023
Date of decision: March 20th, 2026

Anju and others

...Appellants

Versus

Adarsh Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ankush Duhan, Advocate
for the appellants.

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

VIKAS BAHL, J. (ORAL)

1. Widow, minor daughter, son and mother of deceased-Deepak Mandhan have filed the present appeal for enhancement of compensation. The Tribunal vide award dated 06.03.2023 had awarded an amount of ₹18,49,520/- as compensation along with interest to the appellants on account of death of said Deepak Mandhan which had taken place in a motor vehicular accident. The only issue that arises in the present appeal is as to whether the appellants are entitled to enhancement of the said compensation, as the other aspects have not been disputed before this Court.

2. Learned counsel for the appellants has submitted that in the present case, there are four appellants and on account of loss of consortium, each one of them is entitled to ₹48,000/-, whereas the Tribunal has awarded a total amount of ₹40,000/- on account of loss of consortium. It is submitted that an amount of ₹1,52,000/- as additional compensation should be awarded



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to the appellants on the said account. It is further submitted that on account of funeral expenses and loss of estate, an amount of ₹15,000/- each has been awarded without taking into consideration 10% increase after every three years and thus, an amount of ₹18,500/- each on the said two aspects is required to be awarded to the appellants. It is submitted that thus, the appellants are entitled to additional compensation of 1,59,004/-. The chart submitted by the learned counsel for the appellants is reproduced hereinbelow:

“Anju and others

...Appellants

Versus.

Adarsh kumar and others

Respondents

Name of Deceased	Deepak Mandhan
Age	31 years
Occupation	Data entry operator
Appellants:	Widow, 2 minor children, Mother

Sr. No.	Heads of claim	Tribunal	Proposal At Hon'ble High court
1	Income (P.M)	8,827	8,827
2	Add of increase (P.A.)	40%	40%
3	Deduction	1/4	1/4
4	Total Annual Income after deduction and adding future p.a.	17,79,520/-	17,79,520/-
5	Multiplier	16	16
7	Loss of Consortium	40,000/-	1,92,000/ (48000) Each 4 member
8	Funeral Expenses	15,000/-	18,500/-
9	Loss of Estate	15,000	18,500
9	Total	18,49,520/-	20,08,524/-

20/03/2026



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Chandigarh

Sudhir Rana, Ankush Duhan,
Advocates”

3. It is further argued that interest at the rate of 9% be granted on the said additional amount. 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*.

4. Learned counsel for respondent No.3, on the other hand, has submitted that the interest sought to be charged by the appellants is highly excessive and the highest rate of interest that should be granted is 6% per annum. Learned counsel for respondent No.3 has further submitted that there was a delay of 155 days in filing the present appeal and at the time of issuing notice of motion, the said delay was condoned subject to the appellants not claiming any interest.

5. This Court has heard the learned counsel for the parties and has perused the paper book and finds that the chart which has been submitted by the counsel for the appellants is in accordance with law and the compensation claimed is also in accordance with law.

6. There are four appellants and thus, as per the settled law, each of the appellant is entitled to ₹48,000/- and thus total compensation on account of loss of consortium to which the appellants are entitled is ₹1,92,000/- (48000 X 4), whereas the Tribunal has awarded only an amount of ₹40,000/-. Even on account of funeral expenses and loss of estate, the 10% increase after every three years has not been taken into consideration



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and thus, on the said two accounts also, additional compensation of ₹3,500/- each is required to be awarded to the appellants.

7. Vide order dated 28.10.2025, at the time of issuing notice of motion, delay of 155 days in filing the appeal was condoned subject to the appellants not claiming any interest. Order dated 28.10.2025 as highlighted is reproduced hereinbelow:

“Present:- *Mr. Sudhir Rana, Advocate, and Mr. Deepak Joon, Advocate, for the appellants.*

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

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This is an application filed under Section 5 of the Limitation Act for condonation of delay of 155 days in filing the present appeal.

Learned counsel for the appellants has submitted that for the period of 155 days, the appellants would not claim any interest and has prayed that the said delay be condoned.

For the reasons mentioned in the application, which is duly supported by an affidavit as well as on account of the fair statement made on behalf of the appellants, the present application is allowed and the delay of 155 days in filing the present appeal is hereby condoned.

As stated before this Court, the appellants would not claim interest for the said period of 155 days.

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At this stage, notice of motion be issued to respondent No.3 only.

Mr. Punit Jain, Advocate, appears and accepts notice on behalf of respondent No.3.

Learned counsel for the appellants as well as learned counsel for respondent No.3 have jointly submitted that there is an



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element of settlement in the present case and have thus prayed that the matter be referred to the Mediation & Conciliation Centre of this Court.

*In view of the above, the matter is referred to the Mediation & Conciliation Centre of this Court under '**For Referral to the Special Mediation Drive-Mediation 'For the Nation'**'.*

Accordingly, the parties are directed to appear before the Coordinator of Mediation & Conciliation Centre of this Court (Mobile No.98888-81287, email ID - supdt.mcc-phc@aj.gov.in) on 13.11.2025.

Learned Mediator is also requested to take help of the counselor in the present case.”

8. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 06.03.2023 passed by the Motor Accidents Claims Tribunal is modified and respondent No.3-Insurance Company is directed to pay an amount of ₹1,59,004/- 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, excluding a period of 155 days.

March 20th, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No