



(114)

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

CR-5930-2025 (O&M)

Date of Decision:- 28th October, 2025

Shriram General Insurance Company Ltd.

...Petitioner(s)

Versus

Dalbara Singh @ Darbara Singh

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Punit Jain, Advocate,
for the petitioner.

* * * *

VIRINDER AGGARWAL, J. (ORAL)

1. The petitioner has filed this petition assailing the order dated 15.05.2025 passed by the learned Executing Court, Palwal, whereby the learned Executing Court has failed to recalculate the compensation in terms of the order dated 18.03.2025 passed by the Hon'ble Apex Court in Civil Appeal Nos. 3837-3838 of 2025 titled *Dalbara Singh alias Darbra Singh Vs Shriram General Insurance Company Ltd. and others.*

2. The petitioner-respondent in the Claim Petition alleges that in the aforesaid appeals, the Hon'ble Apex Court restored the Award dated 27.05.2015 passed by the Motor Accident Claims Tribunal (MACT), Palwal after setting aside the judgement dated 20.05.2019 passed by this Court by reducing contributory negligence attributable to the appellant to 30% only instead of 40% and directed the learned MACT, Palwal to recalculate the compensation amount payable to the appellant in terms of the above direction.

3. In Execution Petition No. 37 of 2025, the Executing Court vide order dated 15.05.2025 ignored the objections and calculations filed by the petitioner and even ignored the findings of the Hon'ble Apex Court and directed the insurance company to pay an amount of Rs. 22,41,767/- arbitrarily. The order has been passed in violation of the order of the Hon'ble Apex Court. As per the calculation in terms of the directions of the Hon'ble Apex Court, the compensation of Rs. 10,62,600/- is payable by the insurance company instead of an amount of Rs. 29,58,644/- as directed by the impugned order.

4. The Hon'ble Apex Court in para No. 10 of the order dated 18.03.2025 has held as under:-

“10. We have considered the submissions in this regard. Taking into consideration all the attending circumstances, it seems that the interest of justice would be adequately met with by reducing the contributing negligence attributable to the appellant to 30% only, instead of 40%. Ordered accordingly.”

5. As per the head-note of the order of the Hon'ble Apex Court, Dalbara Singh was the appellant and the petitioner – Insurance Company herein was the respondent. So, liability of the petitioner to pay compensation was adjudged at 70% and the learned MACT, Palwal has calculated the compensation in second para of the impugned order dated 15.05.2025 which reads as under:-

“In the present case, Hon'ble Supreme Court vide order dated 18.03.2025 has restored the award passed by the Tribunal after setting aside the judgment of the Hon'ble High Court. Vide the said order, contributing negligence attributable to the appellant has been reduced to 30%, instead of 40%. It has also been held that the appellant in addition to the compensation awarded by the Tribunal, shall be further entitled to enhanced compensation on applying the contributory negligence in the ratio of 30:70. It has been directed to the Motor Accident Claims Tribunal, Palwal to recalculate the compensation amount payable in terms of the conditions of Hon'ble Supreme Court. As per the award given by the Tribunal dated 27.05.2015, amount of Rs. 2962429 along with interest @ 7% per annum from the date of filing present petition till its realization was awarded to the petitioner Dalbara Singh. Taking contributing negligence of 30%, it comes out to be Rs. 8,88,728. After deducting the contributory negligence, the

amount comes out to be Rs. 20,73,700. Rs. 9,00,000/- have already been paid by the insurance company. So the amount left to be paid by the insurance company is 11,73,700/-. The petition was filed in the year 2012, so after adding interest Of Rs. 10,68,067/- calculated @ 7% per annum for 13 years, the amount comes to be Rs. 22,41,767. Accordingly, the insurance company is directed to pay compensation amount of Rs. 22,41,767/- to the appellant. The insurance company shall deposit the enhanced amount of compensation within two months of this order as directed by Hon'ble Supreme Court. The present execution petition is hereby disposed of. File be consigned to the record room, after due compliance."

6. As per the Award dated 27.05.2015, the calculation of the compensation made by the learned MACT, Palwal is in para No. 29 which is reproduced as under:-

"29. Now this tribunal assesses compensation in respect of injured of Dalbara in the following manner, in view of ratio laid down in "Sarla Verma Vs Delhi Transportation Corporation(supra)":-

<i>i)</i>	<i>Monthly income of Dalbara at the time of his injury</i>	<i>:</i>	<i>Rs.13,333/-</i>
<i>ii)</i>	<i>Annual income for the purpose of compensation,</i>	<i>:</i>	<i>Rs.13,333/-x12 Rs.1,60,000/-</i>
<i>iii)</i>	<i>After applying the multiplier of '9', the compensation amount comes to</i>	<i>:</i>	<i>Rs.1,60,000/- x 9 Rs.14,40,000/-</i>
<i>iv)</i>	<i>Functional Disability is taken @ 100%</i>	<i>:</i>	<i>Rs. 28,80,000/-</i>
<i>v)</i>	<i>Transport charges</i>	<i>:</i>	<i>Rs. 10,000/-</i>
<i>vi)</i>	<i>Attendant charges</i>	<i>:</i>	<i>Rs. 10,000/-</i>
<i>vii)</i>	<i>Special Diet</i>	<i>:</i>	<i>Rs. 10,000/-</i>
<i>viii)</i>	<i>Loss of enjoyment & Immunity</i>	<i>:</i>	<i>Rs. 10,000/-</i>
<i>ix)</i>	<i>Physical pain and mental agony</i>	<i>:</i>	<i>Rs. 10,000/-</i>
<i>x)</i>	<i>Loss of Income</i>	<i>:</i>	<i>Rs. 16,000/-</i>
<i>xi)</i>	<i>Medical Bills</i>	<i>:</i>	<i><u>Rs. 12,644/-</u></i>
	<i>Total</i>	<i>:</i>	<i><u>Rs.29,58,644/-</u> "</i>

7. Considering the impugned order and the order passed by the Hon'ble Apex Court, there is no illegality or perversity in the order passed by

the learned Executing Court and no interference in revisional jurisdiction is warranted.

8. The petition accordingly stands dismissed.

(VIRINDER AGGARWAL)
JUDGE

28th October, 2025
Amodh Sharma

Whether speaking/reasoned	√ Yes/No
Whether reportable	√ Yes/No