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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 343/2019** (*disposed of case*)

SHADAB KHAN & ANR

.....Appellants

Through: Mr. Manish Maini & Ms. Aastha
Chauhan, Advocates.

versus

**SANTOSH & ORS (NEW INDIA
ASSURANCE CO LTD)**

.....Respondents

Through: Ms. Shuchi Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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12.12.2025

CM APPL. 78632/2025 (*for condonation of delay*)

This is an application seeking condonation of 24 days' delay in filing of the review petition.

For the reasons stated, and with the consent of learned counsel for the parties, the delay in filing the review petition is condoned.

The application stands disposed of.

REVIEW PET. 623/2025 & MAC.APP. 343/2019

1. The appellants have filed this review petition for review of a judgment dated 06.10.2025, by which the appeal was disposed of.
2. The captioned appeal arose out of an award of the Motor Accident Claims Tribunal ["Tribunal"] dated 29.08.2018 in MACP No. 35/2016. The appellants, who were the claimants before the Tribunal, sought enhancement of the compensation awarded. By the judgment under review, the award was enhanced from the amount awarded by the



Tribunal, i.e. from Rs. 6,54,000/- to Rs. 17,32,897/-. The operative directions in the judgment under review are as follows:

“17. Accordingly, this Court directs that the compensation awarded by the Impugned Award is enhanced in the following terms: -

<i>Loss of dependency</i>	<i>Rs. 16,62,897/-</i>
<i>loss of estate</i>	<i>Rs. 15,000/-</i>
<i>loss of consortium</i>	<i>Rs. 40,000/-</i>
<i>loss of funeral expenses</i>	<i>Rs. 15,000/-</i>
<i>Total compensation</i>	<i>Rs. 17,32,897/-</i>

18. The learned Counsel for the Respondent/Insurance Company submits that they will deposit the enhanced awarded amount within a period of 8 weeks from today before the learned Tribunal.”

3. The case of the appellants is that, while enhancing the awarded amount, the Court has omitted to issue any direction for payment of interest on the enhanced amount.

4. The grant of interest upon enhancement of award has recently been considered by the Supreme Court in *Surya Sharma and Ors. v. Satender Sharma and Anr.* [SLP (C) Nos. 14075-14076/2023, decided on 02.12.2025]. The case concerns a substantially similar situation in which the compensation awarded by the Tribunal was enhanced by the High Court, but without grant of interest. The Supreme Court modified the order of the High Court with the following observations:

“2. The appellants have filed the present appeals impugning the orders dated 17.10.2022 passed by the High Court in MAC. APP. No. 448 of 2015 and also order dated 07.03.2023 in Review Petition No.65 of 2023. The grievance is regarding non-grant of interest by the High Court on the enhanced compensation.

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7. After hearing the learned Counsel for the parties, in our opinion, **the High Court has committed an error in not awarding interest on the enhanced compensation while modifying the award of the Tribunal for the period from filing of the claim petition till the amount is disbursed to the claimant. The interest is nothing else but compensatory in nature on account of delayed payment of**



compensation awarded to the family of the deceased.

8. Accordingly, we modify the order passed by the High Court to the extent that the appellant shall be entitled to interest on the amount of compensation enhanced by the High Court from the date of the filing of the claim petition till the same is disbursed to the claimant @ 7% per annum. The amount of interest shall be calculated and transferred in the ratio of compensation awarded to the different claimants. The amount may be transferred in the bank accounts of the claimants. Directions issued by this Court in *Parminster Singh versus Honey Goyal and Others* [(2025) 9 SCC 539] be kept in view.”

[Emphasis supplied.]

5. In view of the above, there appears to be an error apparent in the judgment under review, to the extent that interest has not been awarded on the enhanced compensation. The review petition is, therefore, allowed.

6. With the consent of learned counsel for the parties, the appeal is taken up for hearing.

7. In view of the discussion above with regard to grant of interest on the enhanced compensation, the judgment under review is modified to the extent that the enhancement in the compensation, which is to the tune of Rs.10,78,897/-, will carry interest at the rate awarded by the Tribunal in the impugned award dated 29.08.2018, i.e. 9% per annum.

8. I am informed that the Insurance Company has already deposited the amount of Rs. 10,78,897/- before the Tribunal. The Insurance Company will compute the interest on the said amount from the date of filing of the claim petition until the date of its deposit before the Tribunal. The amount will be deposited within a period of eight weeks from today.

9. The appeal, alongwith the review petition, is disposed of with these directions.

PRATEEK JALAN, J

DECEMBER 12, 2025/‘pv/KA’/