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

+ **MAC.APP. 382/2017**

NARAYAN VISHWA KARMA & ANRAppellants
Through: Mr. Anshuman Bal, Adv.

versus

DY GENERAL OF POLICE & ANRRespondents
Through: Mr. Anil Mittal & Mr.
Atul Chauhan, Adv.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

10.02.2025

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1. The learned counsel for the appellants submits that pursuant to the amendment in Section 163A of the Motor Vehicles Act, 1988 ('MV Act'), the claimants are entitled to a lumpsum award of ₹5,00,000/-.
2. He submits that it is settled law that even if the accident occurred prior to the amendment of Section 163A of the MV Act, the Act being a beneficiary legislature, the claimants would be entitled to enhanced amount as introduced under the amended Section 163A of the MV Act.
3. The learned counsel for the respondents submits that the amendment would be applied prospectively.
4. The appellant's daughter met with a fatal accident on 22.12.2011. The impugned award in the present case was passed on 09.03.2016 and the appeal was filed by the claimants on 27.03.2017. The amendment in Section 163A of the MV Act came into force from 22.05.2018.
5. Concededly, the delay in filing the appeal was condoned

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by this Court. It is undisputed that appeal is an extension of the original proceedings.

6. The Hon'ble Calcutta High Court in *Urmila Halder v. New India Assurance Co. Ltd. & Ors.* : 2018 SCC OnLine Cal 11751, while considering the compensation payable on account of death of the claimant's daughter, held that the enhanced compensation amount payable under the amended Section 163A of the MV Act would be applicable to all pending cases irrespective of the date of accident.

7. The Hon'ble Calcutta High Court opined that the notification bringing into force amended Section 163A of the MV Act does not expressly or by necessary intendment make it inapplicable to claim applications / appeals which are pending before judicial forums as on that date. The amended sections also make no reference to the dates of accidents.

8. The view taken by the Calcutta High Court has been upheld by the Hon'ble Apex Court in an SLP being SLP No.6260/2019 filed by the New India Assurance Company Ltd. The Hon'ble Apex Court observed that the beneficial legislation would necessarily entail the benefit to be passed on to the claimant in the absence of any specific bar.

9. In view of the above, the benefit of the amendment in Section 163A of the MV Act cannot be denied to the appellants. The impugned award dated 09.03.2016 is, therefore, modified and the lumpsum amount of ₹5,00,000/- is awarded in favour of the appellants. The appellants would also be entitled to the interest to be calculated from the date of notification dated 22.05.2018, whereby the amendment was carried in the MV Act.

10. It is pointed out that a sum of ₹3,05,000/- along with interest @9% has been deposited by the respondent before this

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Court. The amount deposited by the respondent would have to be adjusted from the amount which is now payable in terms of the present order. The balance amount, if any, be deposited within a period of six weeks before this Court.

11. The appeal is disposed of in the aforesaid terms.

12. The appellants are at liberty to file an appropriate application seeking release of the said amount.

AMIT MAHAJAN, J

FEBRUARY 10, 2025

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