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

\+ **MAC.APP. 913/2016**

SANTRA DEVI & ORS .....Appellants

Through: Mr. Anshuman Bal, Adv.

versus

NEW INDIA ASS CO LTD & ORS .....Respondents

Through: Ms. Archana Gaur & Ms. Ridhima Gaur, Advs. for R-1.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **12.03.2025**

1. The learned counsel for the appellants/ claimants submits that in a petition under Section 163 (A) of the Motor Vehicles Act, 1988, minimum compensation of ₹5,00,000/- is to be awarded to the claimants, in a case of death of a victim.

2. He submits that the dependency of the claimants is not a relevant factor.

3. The learned counsel for the Insurance Company does not dispute the said aspect and submits that the petition needs to be allowed and the claimants are entitled to a sum of ₹5,00,000/-.

4. 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.

5. 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.

6. The view taken by the Hon'ble Calcutta High Court has been upheld by the Hon'ble Apex Court in a 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.

7. In view of the above, the benefit of the amendment in Section 163A of the MV Act cannot be denied to the claimants, therefore, the Insurance Company is directed to pay a compensation of ₹5,00,000/- to the claimants.

8. It is submitted that a sum of ₹4,500/- has already been deposited by the Insurance Company with the learned Tribunal. The claimants 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.

9. The balance amount along with interest at the rate of 9% per annum, from the date of the said amendment, that is, 22.05.2018, is directed to be disbursed directly to the appellants in equal proportions after verification of their identity, within a period of six weeks.

10. The appeal is allowed in the aforesaid terms.

AMIT MAHAJAN, J

MARCH 12, 2025

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