(Pronouncement)

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

(1) FAO No. 3484 of 2013 (O&M)
Reserved On: 02.02.2026
Pronounced On: 18.02.2026
Uploaded On: 18.02.2026

Reliance General Insurance Company Limited

...Appellant

Versus

Smt. Savitri Devi (since deceased) through LRs and others

...Respondents

AND

(2) FAO No. 3320 of 2013 (O&M)

Smt. Savitri Devi (since deceased) through LRs

...Appellant

Versus

Dinesh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. (Er.) Sandeep Suri, Advocate;
Mr. Rohit Suri, Advocate;
Mr. Divyam Suri, Advocate
for the appellant (in FAO-3484-2013).

Mr. Mohit Rathee, Advocate
for the appellant(s) (in FAO-3320-2013) and
for respondent No. 1 (legal heirs of Smt. Savitri Devi)
(in FAO-3484-2013)

Mr. Nigam K. Bhardwaj, Advocate
for respondent No. 2 (in FAO-3320-2013)

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HARKESH MANUJA, J.

Both the aforesaid appeals arise out of a common award dated 16.04.2013 passed by the learned Motor Accident

Claims Tribunal, Sonipat **(for brevity, “the Tribunal”)**, and are, therefore, being decided together by this common judgment. Appeal bearing FAO-3484-2013 has been preferred by the Insurance Company in the death case, assailing the quantum of compensation on the ground that the amount awarded by the learned Tribunal is excessive and liable to be reduced, whereas, the second appeal bearing FAO-3320-2013 has been filed by the claimant in the injury case seeking enhancement of the compensation awarded.

[2] The learned Tribunal, vide the impugned award, granted a sum of Rs. 72,51,000/- as compensation in the death claim and a sum of Rs. 31,000/- to the injured claimant, along with interest @ 7.5% per annum from the date of institution of the respective claim petitions till its actual realization. Both the appeals, involving challenge to the quantum of compensation, are thus, taken up together for adjudication.

FACTS

[3] Respondent Nos. 1 to 3, being the legal representatives of deceased-Mahender Singh, instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 **(for short “the Act”)** before the learned Tribunal seeking compensation to the tune of ₹ 4,00,00,000/- along with interest on account of his death in a motor vehicular accident which occurred on 14.12.2009, allegedly due to the rash and negligent driving of respondent No.4–Dinesh Kumar/driver of the offending vehicle.

[3.1] In the connected matter arising out of the same accident, the injured claimant also filed a separate claim petition under the aforesaid provisions of the Act, seeking compensation for the injuries suffered by her in the said occurrence on account of the very same act of rash and negligent driving of respondent No.4.

[3.2] Both the claim petitions were contested by the driver, owner as well as the Insurance Company by filing their respective written statements.

[3.3] On the basis of the pleadings of the parties, the learned Tribunal framed the necessary issues and, after appreciating the oral as well as documentary evidence brought on record, passed the common award dated 16.04.2013 granting compensation, as noticed in the preceding paragraph after holding the driver of the offending vehicle to be negligent in driving the same.

[4] Being aggrieved of the aforementioned award dated 16.04.2013 passed by the learned Tribunal, Reliance General Insurance Company Limited preferred **FAO-3484-2013** in the death case, primarily contending that the compensation assessed by the learned Tribunal was on the higher side and that the income, multiplier and the amounts awarded under the conventional heads were wrongly computed, thereby calling for reduction of the award.

[4.1] On the other hand, the injured-claimant has filed **FAO-3320-2013** seeking enhancement of the compensation on the ground that the amount awarded by the learned Tribunal was wholly inadequate and not commensurate with the nature of injuries suffered, the period of treatment, pain and suffering, medical expenses and other attendant losses.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANT/INSURANCE COMPANY (IN DEATH CASE).

[5] Learned counsel for the appellant–Insurance Company assailed the impugned award on the ground that the findings recorded by the learned Tribunal were contrary to the evidence available on record and the settled principles governing assessment of compensation under the Act. It was contended that the Tribunal erred in holding the driver of the offending vehicle solely negligent, while completely ignoring the material on record indicating contributory negligence on the part of the deceased. Learned counsel further argued that the income of the deceased was taken at an exorbitantly high figure without any cogent documentary proof and in the absence of reliable evidence the same ought to have been assessed on a notional basis. Learned counsel submitted that the deduction towards personal and living expenses was wholly inadequate, particularly in view of the alleged high income of the deceased, and thus resulted in an excessive computation of dependency. He also submitted that the learned Tribunal placed unwarranted reliance upon the testimony of PW-3 despite the witness not being duly authorized and having failed to produce the original contractual documents, thereby vitiating the finding with respect to the income of the deceased. Learned counsel for the appellant further questioned the rejection of its application seeking permission to raise all statutory defences available to the insurer and submitted that the liability was fastened upon the Insurance Company despite there being a valid plea regarding the driving license. Furthermore, he contended that the status of the deceased as an NRI and the consequential aspect of tax liability was also ignored while computing the compensation. He concluded his arguments by submitting that the impugned award being contrary to the evidence on record and settled legal principles was liable to be set aside or suitably reduced.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENTS No. 1 to 3-CLAIMANTS

[6] Per contra, learned counsel appearing on behalf of respondent Nos. 1 to 3 / claimants submitted that the compensation awarded by the learned Tribunal was wholly inadequate and fell short of the just and fair amount required to be granted under the benevolent provisions of the Act. It was contended that the learned Tribunal failed to correctly appreciate the evidence available on record with regard to the income, future prospects and overall financial contribution of the deceased to the family and that the multiplicand as well as the amounts awarded under the conventional heads had been assessed on the lower side. Learned counsel further argued that no adequate compensation had been granted towards loss of consortium, loss of estate and funeral expenses in terms of the law laid down by the Hon'ble Supreme Court and that the dependency of the claimants had not been properly computed keeping in view the number of dependants. It was also submitted that the claimants had led cogent and reliable evidence to establish the occupation and income of the deceased, which had not been given due weight by the learned Tribunal. On these premises, it was prayed that the impugned award be suitably modified by enhancing the compensation to a just and reasonable amount along with appropriate rate of interest.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANT(S)/CLAIMANT(S) (INJURY CASE).

[7] Learned counsel for the appellant(s)–claimant(s) submitted that the compensation awarded by the learned Tribunal was wholly inadequate and assessed in a mechanical manner without proper appreciation of the uncontroverted medical record and the period of hospitalization of the injured. It was contended that despite the medical bills and MLR having been duly proved on record, the Tribunal granted a meagre amount towards medical expenses, attendant charges and special diet, which did not reflect the actual expenditure incurred. It was further argued that the nature of multiple and grievous injuries, the pain and suffering and the consequential loss suffered by the claimant was not justly compensated. The finding with regard to negligence was also assailed to the extent that it diluted the liability of respondent No.1 (Dinesh Kumar), who was solely responsible for the accident by driving the offending vehicle in a rash and negligent manner. It was thus prayed that the impugned award be suitably modified by enhancing the compensation and by awarding interest from the date of the accident so as to grant just and fair compensation in accordance with law.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No. 2/INSURANCE COMPANY (FAO-3320-2013)

[8] Per contra, learned counsel for respondent No.2/Insurance Company vehemently contended that in the facts and circumstances of the case, the appellant(s) was adequately compensated, thus, the present appeal was liable to be dismissed.

DISCUSSION AND REASONING

[9] I have heard learned counsel for the parties and perused the paper-book of the case as well.

FAO-3484-2013

[10] At the outset, it is pertinent to note that respondents No. 1 to 3/claimants, though have sought enhancement of the compensation while addressing arguments in FAO-3484-2013, have neither preferred any independent appeal nor filed cross-objections under Order XLI Rule 22 of the Code of Civil Procedure, 1908 against the impugned award. In such a situation, the scope for grant of enhanced compensation in their favour in appeal filed by the Insurance Company would ordinarily remain circumscribed. However, the provisions of Order XLI Rule 33 CPC confer wide discretionary powers upon the appellate Courts to pass any order which ought to have been passed by the Court below and to do complete justice between the parties, even in the absence of any appeal or cross-objections by a party. Relevant provision of Order XLI Rule 33 of CPC reads as under:-

> *" The Appellate Court shall have power to pass any decree and make any order which ought to have been passed or made and to pass or make such further or other decree or order as the case may require, and this power may be exercised by the Court notwithstanding that the appeal is as to part only of the decree and may be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have filed any appeal or objection and may, where there have been decrees in cross-suits or where two or more decrees are passed in one suit, be exercised in respect of all or any of the decrees, although an appeal may not have been filed against such decrees:* ***Provided*** *that the Appellate Court shall not make any order under section 35A, in pursuance of any objection on which the Court from whose decree the appeal is preferred has omitted or refused to made such order."*

[10.1] In "***Pannalal vs State of Bombay and others, AIR 1963 SC 1516***," with respect to Order 41, Rule 33, the Hon'ble Apex Court held that wide wording of Order 41, Rule 33 CPC, was intended to empower the appellate court, to make whatever order it thinks fit, not only as between the appellant and the respondent, but also as between respondent and a respondent. It empowers the appellate court, not only to give or refuse relief to the appellant, by allowing or dismissing the appeal, but also to give such other relief to any of the respondent as "the case may require". It was further held that if there was no impediment in law, the High Court in appellate court, therefore, though, allowing the appeal of the defendant by dismissing the plaintiff's suit against it, but the plaintiff/respondents decree against any or all the other defendants, who were parties to the appeal as respondents. While the very words of the rule make this position abundantly clear, the illustration aforesaid puts the position beyond argument.

[10.2] Furthermore, the Hon'ble Apex Court in ***"Chaya vs.Bapusaheb, 1994 (2) SCC 41,"*** held that this provision i.e. Order 41 Rule 33 C.P.C, is based on a salutary principle that the appellate court should have the power to do complete justice between the parties. The rule confers a wide discretionary power on the appellate court to pass such decree or order as ought to have been passed or as the case may require, notwithstanding the fact that the appeal is only with regard to a part of the decree or that the party in whose favour the power is proposed to be exercised, has not filed any appeal or cross-objection.

[10.3] Furthermore, in ***"Pralhad and others vs. State of Maharashtra and another 2010 (10) SCC 458,"*** the Hon'ble Apex Court held that the provision of Order 41 Rule 33 CPC, is clearly an enabling provision, whereby the appellate court is empowered to pass any decree or make any order which ought to have been passed or made, and to pass or make such further or other decree or order, as the case may require. It is apt to refer Paragraph No.18 of the aforesaid judgment, which is reproduced, as herein given:-

> ***"18.*** *The provision of Order 41 Rule 33 CPC is clearly an enabling provision, whereby the appellate court is empowered to pass any decree or make any order which ought to have been passed or made, and to pass or make such further or other decree or order as the case may require. Therefore, the power is very wide and in this enabling provision, the crucial words are that the appellate court is empowered to pass any order which ought to have been made as the case may require. The expression "order ought to have been made" would obviously mean an order which justice of the case requires to be made. This is made clear from the expression used in the said Rule by saying "the court may pass such further or other order as the case may require". This expression "case" would mean the justice of the case. Of course, this power cannot be exercised ignoring a legal interdict or a prohibition clamped by law."*

[10.4] In this backdrop, for doing complete justice between the parties and to ensure that "just compensation" is awarded in terms of the mandate of Section 168 of the Motor Vehicles Act, 1988, the provisions of Order XLI Rule 33 CPC are liable to be invoked. The appellate Court, being under a statutory obligation to determine and award compensation which is just, fair and reasonable, cannot be rendered powerless merely on account of the absence of a cross-appeal or cross-objections by the claimants. Where the material available on record justifies modification of the award, the Court would be well within its jurisdiction to mould the relief appropriately so as to correct any manifest error in computation and to bring the award in conformity with settled legal principles. However, such power is to be exercised judiciously and in accordance with law, keeping in view the evidence on record and the facts and circumstances of the case.

QUESTION OF INCOME ASSESSED

[11] In the present case, perusal of the record indicates that deceased–Mahender Singh, at the time of the accident, was 56 years of age and was drawing a monthly salary of ₹2,00,000/- while being employed with Zodiac Maritime Agency, London. The learned Tribunal, after examining the service record, pay certificate and statements of account exhibited as Ex.P6 to Ex.P10, assessed the income of the deceased at ₹1,00,000/- per month. However, Ex.P9, Ex.P10 and Ex.P11 reveal that the deceased was maintaining an NRE Account bearing No.10920447992 and the average monthly remittance of salary in the said account was approximately ₹2,00,000/-. The learned

Tribunal fell into an error in reducing the income to ₹1,00,000/- per month solely on the ground that the contractual tenure of the deceased had expired in August, 2009 and that at the time of his death he was not actually on board as an Electrical Officer. It is a matter of common knowledge, duly borne out from the service conditions of seafarers, that the employees of the Merchant Navy do not render services throughout the year on a continuous basis. Owing to the exigencies and peculiar working conditions on the high seas, a seafarer is ordinarily engaged for a fixed sailing period, generally for about six months, followed by a mandatory period of leave or rest for about three to four months or as stipulated in the Seafarer Employment Agreement. Such interregnum between two contracts cannot be construed as unemployment so as to deprive the deceased of his actual income, particularly when the documentary evidence on record clearly establishes the consistent receipt of salary at the rate of ₹2,00,000/- per month. Therefore, in the humble opinion of this Court, the monthly income of the deceased is re-determined @ Rs. 2,00,000/- per month in consonance with the documentary evidence produced on record.

[12] The Hon'ble Supreme Court in the case of ***"Smt. Sarla Verma and others vs. Delhi Transport Corporation and another,"*** reported as ***2009(3) RCR (Civil) 77,*** was pleased to hold that in case the number of dependent family members were 2 to 3, 1/3rd would be deducted as personal expenses from the total income. Relevant para of the judgment is culled out as under:-

> *"30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra[(1996) 4 SCC 362], the general practice is to apply standardized deductions. Having considered several subsequent decisions of this Court, we are of the view that where the deceased was married, deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family member exceeds six."*

QUESTION OF FUTURE PROSPECTS

[13] The learned Tribunal further erred in not making any addition towards future prospects while assessing the income of the deceased. It is by now well settled that the element of future prospects is required to be taken into consideration so as to arrive at a just and fair compensation, even in cases where the deceased was self-employed or on a fixed salary, subject to the age criteria laid down by the Hon'ble Supreme Court. In the present case, the deceased was 56 years of age at the time of the accident and had a settled source of income, which clearly reflects a reasonable expectation of continuity and advancement in earnings. In view of the law laid down by the Hon'ble Supreme Court in "***National Insurance Company Limited v. Pranay Sethi"*** reported as ***(2017) 16 SCC 680*** the claimants are held entitled to an addition towards future prospects. Accordingly, this

Court deems it appropriate to grant future prospects @ 15% of the established income of the deceased for the purpose of computing the loss of dependency.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

[14] Furthermore, in view of the judgment of the Hon'ble Apex Court in ***Smt. Sarla Verma's case (supra)***, ***Pranay Sethi's case (supra)*** and ***"United India Insurance Co.Ltd. vs. Satinder Kaur",*** reported as ***(2021) 11 SCC 780,*** compensation awarded under conventional heads are also required to be assessed separately. Appellants/claimants are thus, held entitled for Rs. 18,000/- as compensation under funeral head and Rs.18,000/- towards loss of estate. Loss of consortium is assessed to the tune of Rs. 1,44,000/- (Rs. 48,000 x 3) as the appellants, being spouse and children of deceased are also entitled for spousal and parental consortium.

[15] In view of the discussion made hereinabove, the appellants/claimants are held entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Annual Income of Deceased	24,00,000.00
2.	Add 15% Future Prospects	3,60,000.00
3.	Total Income (1+2)	27,60,000.00
4.	Deduction (1/3rd)	9,20,000.00
5.	Net Income (3-4)	18,40,000.00
6.	Loss of Income after applying multiplier of 9 as per age of 56years (18,40,000 x 9)	1,65,60,000.00

7.	Funeral Expenses	18,000.00
8.	Loss of Estate	18,000.00
9.	Loss of Consortium (Rs. 48,000 x 3)	1,44,000.00
10.	Total Compensation (6+7+8+9)	1,67,40,000.00
11.	Amount Awarded by the Tribunal	72,51,000.00
12.	**Enhanced compensation**	**94,89,000.00**

Accordingly, the appellants/claimants shall be entitled to receive compensation in the proportion already determined by the learned Tribunal.

FAO-3320-2013

[16] Before determining the quantum of compensation, it is essential to draw guidance from the principles laid down in similar cases by the Hon'ble Apex Court. In ***"Raj Kumar vs. Ajay Kumar and Ors."*** reported as ***(2011) 1 SCC 343*** the Court laid down the heads under which compensation is to be awarded for personal injuries.

> *"6. The heads under which compensation is awarded in personal injury cases are the following:*
>
> *Pecuniary damages (Special damages)*
>
> *(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.*
>
> *(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:*
>
> *(a) Loss of earning during the period of treatment;*
>
> *(b) Loss of future earnings on account of permanent disability.*
>
> *(iii) Future medical expenses.*
>
> *Non-pecuniary damages (General Damages)*

> *(iv) Damages for pain, suffering and trauma as a consequence of the injuries.*
>
> *(v) Loss of amenities (and/or loss of prospects of marriage).*
>
> *(vi) Loss of expectation of life (shortening of normal longevity).*
>
> *In routine personal injury cases, compensation will be awarded only under heads (i), (ii)* (a) *and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, the compensation will granted under any of the heads (ii)* (b), *(iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life".*

ON THE ASPECT OF ENHANCEMENT OF COMPENSATION ASSESSMENT UNDER "LOSS OF INCOME"

[17] Learned Tribunal failed to assess loss of income of injured considering her a home-maker. In this regard, the Hon'ble Supreme Court, in the case ***"Mohni Devi Thakur vs. Manjit Singh",*** reported as ***2021(1) RCR CIVIL 737,*** this Court assessed the notional income of housewife @ Rs. 7,500/- per month while awarding compensation in relation to an accident dated 24.05.2013.

[17.1] Even in the case of ***"National Insurance Co. Ltd. vs. Dhan Singh"*** reported as ***2019 (3) PLR 301,*** notional income of housewife was assessed @ Rs. 11,000/- per month by this Court while awarding compensation in relation to an accident dated 20.09.2017.

[17.2] Therefore, the notional income of house wife needs to be re-considered keeping in mind multifarious services rendered by her for the family; the expenses for cook service, maid servant service, housekeeping expenses and keeping in mind the savings accrued due to all these services. Even the invaluable emotional support and the contribution of house wife to her husband, children and in-laws, cannot be assessed in terms of money.

[17.3] Considering the law laid down by the Co-ordinate Bench in the aforementioned judgments, this Court in its humble opinion and after giving anxious thought to the facts and circumstances of the present case, wherein the victim was fortunately alive but suffered injuries, conservatively assesses the notional income of the appellant/claimant @ Rs. 4,500/- per month. Now, as per discharge card and statement of Dr. G.D. Sharma (PW-2), the appellant/claimant remained in hospital from 14.12.2009 to 24.12.2009 and as such loss of income suffered by her during the said period is assessed as Rs. 1,500 (Rs. 150 x 10). Further, evidently the motor vehicular accident in the present case took place on 14.12.2009 and the appellant/claimant must have been bed-ridden for two months due to head injury with left parietal soft-tissue swelling, bleeding from ear (suggestive of head trauma) and numbness & pain in both upper limbs besides cervical spine injury/cervical sprain for which a cervical collar was advised, after the accident. Thus, it would be safe to assume that the appellant suffered loss of income for two months due to reduced working capacity.

Therefore, after considering facts and circumstances of the present case, loss of income for the said period is conservatively assessed @ Rs. 9,000/- (150 x 60).

[17.4] Further, with regard to the claim for compensation under the head of *'loss of future income'*, in the absence of any cogent evidence establishing permanent disability suffered by the appellant/claimant, no amount is liable to be awarded under the said head.

ASSESSMENT UNDER "MEDICAL EXPENSES / HOSPITALIZATION"

[18] In the present case, the appellant/claimant suffered head injury with left parietal soft-tissue swelling, bleeding from ear (suggestive of head trauma) and numbness & pain in both upper limbs besides cervical spine injury/cervical sprain. Even though appellant could produce few medical bills and receipts only (amounting to Rs. 85,858/-) but keeping in mind the cost factor prevalent at the time of motor vehicular accident and the follow-up treatment besides need of medicines during rehabilitation period, the compensation under this head needs to be reassessed. The aforesaid view finds force from the fact that due to shock and mental agony on account of accident, a person cannot be presumed to be vigilant enough to collect all the bills for claim/reimbursement purposes, thus, compensation under this head is assessed as Rs. 1,50,000/-.

ON THE ASPECT OF PAIN AND SUFFERINGS

[19] For assessing just compensation under the head of pain and sufferings, reference may be drawn to the decision of the Hon'ble Supreme Court in ***K. Murlidhar vs. R. Subbulakshmi & Anr., 2024 INSC 886,*** wherein it was held that the award of compensation under non-pecuniary heads must be reasonable and commensurate with gravity of the injuries suffered; the extent of disability; the duration of hospitalization, and the mental and physical agony endured by the claimant. Relevant portion of the same is reproduced as under:-

> *"15. Keeping in view the above-referred judgments, the injuries suffered, the 'pain and suffering' caused, and the life-long nature of the disability afflicted upon the claimant-appellant, and the statement of the Doctor as reproduced above, we find the request of the claimant-appellant to be justified and as such, award Rs. 15,00,000/- under the head 'pain and suffering', fully conscious of the fact that the prayer of the claimant-appellant for enhancement of compensation was by a sum of Rs. 10,00,000/-, we find the compensation to be just, fair and reasonable at the amount so awarded."*

[19.1] In light of the settled legal position enunciated by the Hon'ble Supreme Court in ***K. Muralidhar's* case (supra),** and having due regard to the peculiar facts and circumstances of the present case, it is evident from the documentary evidence duly proved on record that the appellant/claimant sustained grievous head injuries with left parietal soft-tissue swelling, bleeding from ear (suggestive of head trauma) and numbness & pain in both upper limbs besides cervical spine injury/cervical sprain. Thus, this Court is of the opinion that an amount of Rs. 1,00,000/- is awarded under the head of pain and sufferings.

ASSESSMENT UNDER OTHER 'PECUNIARY HEADS'

[20] Admittedly, the injured was bed ridden for two months as she was suffering from head injury with left parietal soft-tissue swelling, bleeding from ear (suggestive of head trauma) and numbness & pain in both upper limbs besides cervical spine injury/cervical sprain and would have definitely gone for her post-operative care. However, learned Tribunal failed to grant adequate compensation under the head of special diet, conveyance charges and attendant charges. Therefore, compensation granted under these heads is reassessed @ Rs.1,00,000/.

CONCLUSION

[21] In view of what has been discussed hereinabove, the appellant/claimant shall be entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Loss of Income (Rs. 1,500+ Rs. 9,000)	10,500.00
2.	Medical Expenses/Hospitalization	1,50,000.00
3.	Compensation under other pecuniary head	1,00,000.00
4.	Compensation under pain and sufferings	1,00,000.00
5.	**Total Compensation (1+2+3+4)**	**3,60,500.00**
6.	**Amount Awarded by the Tribunal**	**31,000.00**
7.	**Enhanced Amount (5-6)**	**3,29,500.00**

[22] The grant of interest @ 7.5% per annum is not equitable and just in view of the observations made by the Hon'ble Supreme Court in ***"Smt. Supe Dei and others vs. National Insurance Company Limited and other,*** reported as ***(2009) (4) SCC 513*** approved in a subsequent judgment titled as ***"Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443,*** thus, the interest is enhanced to 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization. In case the said amount is not paid within three months, the same shall be payable thereafter along with 12% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

[23] Accordingly, the **appeal** bearing **FAO-3484-2013** filed at the instance of the appellant–Insurance Company, being devoid of merits, stands **dismissed**, whereas the **appeal** bearing **FAO-3320-2013** preferred by the claimant/injured, is **allowed** in the aforesaid terms with the modification in the quantum of compensation as assessed hereinabove. The impugned award dated 16.04.2013 passed by the learned Motor Accident Claims Tribunal, Sonipat is modified to the extent indicated, and the claimants shall be entitled to the enhanced amount of compensation along with interest in the manner specified in the preceding paragraph. The liability to satisfy the award shall remain the same as determined by the learned Tribunal.

[24] Pending miscellaneous application(s), if any, shall also stand(s) disposed off.

February 18, 2026 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No