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

+ **W.P.(C) 12178/2023**

Date of Decision: **16.04.2026**

IN THE MATTER OF:

AMITA

.....Petitioner

Through: Mr. Umesh Kumar and Mr. Manoj
Goel, Advs.

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms Avni Singh Panel Counsel for
GNCTD with Adv Abhishek Yadav.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The Petitioner is the mother of Late Munish Sharma, who has approached this Court seeking enhancement of the compensation awarded under the Delhi Victim Compensation Scheme (*hereinafter referred to as '2018 Scheme'*)
2. As per the record, the untraced report in FIR No.588/2020 registered under Sections 279/304A of the IPC was accepted by the learned Metropolitan Magistrate on 03.12.2021. The untraced Detailed Accident Report ["DAR"] arising from the said FIR was, thereafter, accepted by the



Motor Accident Claims Tribunal [‘MACT’] on 07.12.2021.

3. The issue for consideration before this Court is whether the grant of compensation of INR 5,00,000/- *vide* order dated 13.12.2022 is adequate as per the 2018 scheme.

4. The application was filed on 29.03.2022 along with the surviving member certificate. The deceased is survived by a brother and a sister, apart from the petitioner. However, as per the scheme 2018, mother is the only dependent out of the survivors. The deceased was aged 44 years and at the time of the accident and was earning around INR 19,000/- per month.

5. The Court finds that the authority concerned has duly applied his mind to all relevant facts and circumstances, and has appropriately awarded a compensation of INR 5,00,000/-.

6. It be noted that the principle of the Motor Vehicles Act, 1988 cannot be fully imported for adjudication of the compensation under the Scheme of 2018. The reliance placed in the decision of ***Kameshwari Devi and Another v. State (Govt. of NCT of Delhi)***¹ does not advance the case of the petitioner.

7. In that case, the Court took into consideration the fact that the deceased was survived by two daughters and his wife. The Court also noted the medical condition of one of the daughters. The said decision turned on its own facts, which included the nature, and the number of dependants therein along with the circumstances that required rehabilitation.

8. The facts of the present case are not identical. The deceased therein was survived by two other children, which is a relevant factor for

¹ W.P.(C) 13161/2021



determining the manner, and extent of disbursement under the Scheme.

9. By virtue of the impugned order, INR 1,25,000 was immediately disbursed to the bank account of the petitioner. The remaining INR 3,75,000/- is to be disbursed in 10 installments, starting from May 2026.

10. Even otherwise, the Scheme in question is an additional welfare measure framed by the Government, and the question of compensation/disbursement thereunder cannot be governed by any straitjacket formula, cases will have each, its own peculiarity and will have to be decided on the basis of the facts and circumstances therein.

11. For all those reasons, finding no justification to interfere into the impugned order, petition stands dismissed.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

APRIL 16, 2026/p