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

% ***Date of decision: 13th May 2026***

\+ **MAC.APP. 425/2014**

SMT KALPANA CHAUHAN .....Appellant

Through: Mr. R.K. Sonkiya, Adv.

versus

THE ORIENTAL INSURANCE CO LTD .....Respondent

Through: Mr. Pankaj Seth, Ms. Shruti Jain, Advs.

(60)

\+ **MAC.APP. 1144/2013**

ORIENTAL INSURANCE CO LTD .....Appellant

Through: Mr. Pankaj Seth, Ms. Shruti Jain, Advs.

versus

KALPANA CHAUHAN & ORS .....Respondents

Through: Mr. R.K. Sonkiya, Adv.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

CM APPL. 30567/2026 in MAC.APP. 1144/2013

1. An order was passed by this Court on 18th March 2026 in MAC APP No. 1144/2013, wherein inadvertently, reference was made to *paragraph nos. 34* and *35* of the impugned judgment; however, the same pertained to *Suit No.*

339/2010, which related to a different claimant. The discussion in the MACT award in relation to the claimant *Kalpana Chauhan*, commences from *paragraph no. 43* onwards of the impugned judgment. Accordingly, the order dated 18th March 2026 shall stand recalled/deleted and the following judgment will be determinative of these cross appeals.

2. Accordingly, the application is disposed of.

MAC.APP. 425/2014 & MAC.APP. 1144/2013

3. These are cross appeals assailing the Award dated 15th October 2013 passed by the Motor Accident Claims Tribunal ['***MACT***'], West District, Tis Hazari Courts, Delhi in Suit no. 336/2010, whereby compensation of *Rs. 1,73,750/-* along with interest *@7.5%* per annum was awarded in favour of the claimant

4. The accident occurred on 24th August 2009, when the injured/claimant, along with others was travelling in *Wagon-R* car, which was hit by the offending vehicle bearing registration no. UP-86C-9390 that came from the opposite side. As a result of the accident the injured/ claimant sustained grievous injuries. The permanent physical disability was assessed at *43%* in relation to left upper and lower limb.

5. After hearing the counsels for the parties, the following issues arise for determination:

   i. Considering that the injured was 37 years of age on the date of the accident, *future prospects* at *30%* were granted by the Tribunal. Subsequently, in terms of principles enunciated in ***National Insurance Co. Ltd. v. Pranay Sethi,*** (2017) 16 SCC 680, for a injured aged 37 years, *future prospects* would be granted at *40%.*

ii. The *functional disability* was assessed at *15%*, despite the permanent disability being assessed at *43%* in relation to her left upper and lower limb, in a case involving post traumatic stiffness of left knee and shoulder. Counsel for claimant has contended that the *functional disability* should be considered at a higher level. Applying the principles laid down in ***Raj Kumar v. Ajay Kumar & Anr.***, (2011) 1 SCC 34 and considering that the claimant was a homemaker, the Court is inclined to assess the *functional disability* at *25%.*

iii. The interest has been granted at *7.5%,* though as per the RBI rates prevailing in 2009 for fixed deposits, the rates were *8.5%.* Accordingly, the interest is granted at *8.5%* per annum from the date of petition in order to align the same with the RBI rates. It is clarified that the interest at *8.5%* per annum would apply to the total compensation awarded by the Tribunal from the date of filing of the petition including the enhanced compensation.

6. Considering the injury suffered by the claimant, the non-pecuniary amounts awarded on account of *pain and suffering* and *loss of amenities of life* has been awarded at *Rs. 25,000/-*; the same is highly inadequate. Accordingly, *Rs. 25,000/-* each is awarded under the separate heads of *pain and suffering* and *loss of amenities of life*, the same is in consonance with the principles enunciated in ***Raj Kumar v Ajay Kumar*** (*supra*).

7. Accordingly, the compensation will be recomputed as under:

S. no	Heads of Compensation	Awarded by	Awarded by the

		Tribunal	Court
	Pecuniary Loss		
1.	Conveyance and special diet (A)	Rs. 10,000/-	Rs. 10,000/-
2.	Income of injured per month (B)	Rs. 3,953/-	Rs. 3,953/-
3.	Future prospects @ 40% (C)	Rs. 1185.9/-	Rs. 1,581.2/-
4.	Functional disability (D)	15%	25%
5.	Multiplier (E)	15	15
6.	Loss of future income [(B+C)x D x E]= F	Rs. 1,38,750/-	Rs. 2,49,039/-
	Non-pecuniary loss		
7.	Pain and suffering (G)	Rs. 25,000/-	Rs. 25,000/-
8.	Loss of Amenities of Life (H)	*Part of pain and suffering*	Rs. 25,000/-
9.	Total (A+F+G+H=I)	**Rs. 1,73,750/-**	**Rs. 3,09,039/-**
10.	Interest	7.5%	8.5%

8. Accordingly, the compensation is enhanced by *Rs. 1,35,289/-*.

9. *Vide* order dated 13th December 2013 in MAC APP no. 1144/2013, directions were given by this Court to Insurance Company to deposit the entire amount of compensation along with interest. Further, it was directed that *80%* of the deposited amount be released to the claimant.

10. Considering that the appeals have been disposed of, the complete compensation be released in terms of the directions of the Tribunal in the impugned award.

11. Enhanced compensation along with interest @ 8.5% per annum from

the date of filing of the petition shall be deposited before the MACT within a period of four weeks. It is directed that the enhanced amount along with accrued interest, shall be kept in Fixed Deposit Receipts (***FDRs***) of *Rs. 10,000/-* each for a period of 1 month, 2 month, 3 month and so on, in succession as maybe calculated. Interest accruing on the said FDRs shall be credited to the designated Saving Bank Account of the claimant. The amounts of FDRs on maturity would be released to the Saving Bank Account of claimant upon due verification.

12. Statutory deposit be refunded to appellant/Insurance Company, only if the order of deposit has been complied with.

13. Accordingly, the appeals are disposed of in above terms. Pending applications are rendered infructuous.

14. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

MAY 13, 2026/ab/zb