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

\+ MAC.APP. 687/2013

THE ORIENTAL INSURANCE CO LTD .....Appellant

versus

SMT MUNNI DEVI & ORS .....Respondents

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\+ MAC.APP. 689/2013, CM APPL. 72642/2024 & CM APPL. 72643/2024

THE ORIENTAL INSURANCE CO LTD .....Appellant

versus

MANOJ & ANR .....Respondents

Appearance: Mr. JPN Shahi, Advocate for Appellant –Insurance Co.

Mr. Sameer Nandwani, Advocate on behalf of Mr. Navneet Goyal, Advocate for LR's of Claimants

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% **09.04.2026**

1. These appeals have been filed by the Insurance Company essentially challenging the impugned award on the basis that claim made under *Section 163A* of Motor Vehicles Act (‘***MV Act***’); however, compensation has been awarded on the basis of determination under of *Section 166* MV Act.

2. *Mr. Sameer Nandwani*, appearing on behalf of *Mr. Navneet Goyal*, Counsel for claimants, contends that even if determination had to be made under *Section 163 A* MV Act, it would have to consider inflation over all these

years that have passed since accident, which took place in 2012.

3. For this, he relies on decisions passed by a Coordinate Bench of this Court in ***Oriental Insurance Co. Ltd. v. Smt. Rajwati Devi & Ors.*** 2007:DHC:334 and ***Smt. Devki Devi v. Sh. Anil Gupta*** 2007:DHC:1237, where the Courts have taken the view that, considering that the *Second Schedule* applicable to *Section 163A* forms part of MV Act, 1988, the passage of time would have mandated revision to *Second Schedule*. For ease of reference, *Section 163 A (3) of* MV Act is extracted as under:

> "***163A. Special provisions as to payment of compensation on structured formula basis.—***
> *(3) The Central Government may, keeping in view the cost of living by notification in the Official Gazette, from time to time amend the Second Schedule.*"

4. Accordingly, the Courts have held that since the Government has not exercised its power provided under *Clause (3)*, the *Second Schedule* remains unamended and inflation would have to be accounted for while computing the benchmark income.

5. In this view of the matter, these appeals are disposed of, remanding them back to the concerned Motor Accident Claims Tribunal ['***MACT***'] for determination of proper compensation as per *Section 163 A* of MV Act and considering the plea of claimants on basis of above judgments for application of appropriate inflation to the amounts as per *Second Schedule*.

6. At this stage, *Mr. JPN Shahi*, Counsel for Appellant/Insurance Company, informs that by order dated 29th July 2013, 50% of the amount was directed to be deposited with the Registry of this Court and 25% was to be released by the *UCO Bank, Delhi High Court*.

7. In view of above, balance amount along with accrued interest be refunded to the Insurance Company.

8. Both these appeals stand disposed of, with above directions.

9. Pending applications are rendered infructuous.

10. Statutory deposit, if any, shall be refunded to Insurance Company.

11. These matters be now placed before the MACT on 28th April 2026.

12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 9, 2026/sm/tk