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

+ **MAC.APP. 789/2025 & CM APPL. 77779/2025**

THE ORIENTAL INSURANCE CO LTDAppellant

Through: Mr. A K Soni, Advocate.

versus

SMT PAVITRA & ORS.Respondents

Through: Mr. Anshuman Bal, Advocate for
R-1 to 4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.12.2025**

CM APPL. 77778/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

MAC.APP. 789/2025 & CM APPL. 77779/2025 (for stay)

1. The appellant - The Oriental Insurance Co. Ltd. ["Insurance Company"] assails an order dated 27.10.2025, passed by the Motor Accident Claims Tribunal ["the Tribunal"] in MACT No. 5/2022. By the said award, the claimants were granted compensation of Rs. 16,61,000/-, alongwith interest at the rate of 7.5% per annum.

2. The proceedings before the Tribunal arose out of an accident in which, one Mr. Sushil Kumar passed away. The claimants before the Tribunal were his wife, two sons and mother [respondent Nos. 1 to 4 herein].

3. Mr. A.K. Soni, learned counsel for the appellant, limits the challenge to the quantum of compensation, and submits as follows:

a. That the deceased was a resident of Ghaziabad, and was also



working in Ghaziabad. His actual income, having been unproven before the Tribunal, the Tribunal ought to have taken the minimum wage as applicable in the State of Uttar Pradesh, rather than in Delhi, to compute the loss of dependency.

- b. That the Tribunal has erred in counting the older son of the deceased, who was married and working, as a dependant, resulting in an underestimated deduction for personal expenses.
4. Issue notice. Mr. Anshuman Bal, learned counsel, accepts notice on behalf of the claimants. Notice upon respondent Nos. 5 and 6 is dispensed with, as no recovery rights have been granted by the Tribunal.
5. Upon the appellant depositing the awarded amount, alongwith up-to-date interest, before the Tribunal within a period of eight weeks from today, execution of the impugned award shall remain stayed.
6. At this stage, the Tribunal is directed to release 65% of the awarded amount to the claimants in accordance with the directions contained in the impugned award.
7. The Trial Court record be summoned, and electronic copy of the same be placed on the file of this appeal.
8. Written submissions to the appeal may be filed by the parties, with reference to the electronic record of the Court, alongwith copies of any relevant judgments which they wish to rely upon, within eight weeks from today.
9. List on 27.04.2026.

PRATEEK JALAN, J

DECEMBER 9, 2025/SS/AD/