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

\+ MAC.APP. 47/2026

ROYAL SUNDARAM GENERAL INSURANCE COMPANY LIMITED .....Appellant

Through: Ms. Suman Bagga, Ms. Mouli Sharma, Advocates.

versus

NAZREEN (DECD THR LRS) & ORS. .....Respondents

Through: *Nemo.*

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

<u>O R D E R</u>

% 16.01.2026

<u>CM APPL. 3119/2026 (*Exemption*)</u>

1. Exemption is allowed, subject to all just exceptions.

2. Application stands disposed of.

<u>CM APPL. 3120/2026 (*condonation of delay in filing*) & CM APPL. 3121/2026 (*condonation of delay in re-filing*)</u>

1. These applications have been filed seeking condonation of 12 days in filing and 24 days in re-filing the present application respectively.

2. In view of the facts and circumstances stated in the application, delay is condoned.

3. Applications stand disposed of.

<u>MAC.APP. 47/2026 & & CM APPL. 3118/2026 (*stay*)</u>

1. This appeal has been filed by Insurance Company assailing the impugned judgment/award dated 19th August 2025 passed by Motor Accident Claims Tribunal ('***MACT***'), Shahdara, Karkardooma Courts, Delhi in ***MACT***

No.435/2019 titled as "***Nazreen v. Jitender Kumar Gautam & Ors.***".

2. *Ms. Suman Bagga*, counsel for appellant points out that the injured in this case, *Smt. Nazreen*, was 28 years old at the time of accident, which occurred on 9th October 2018 and she died subsequently after three years. She points out that it is recorded in *paragraph no.23* of impugned award that it was not established on record, that the death of injured was result of injuries which she received in accident. *Paragraph no.23* of the judgment is extracted here under for reference:

> "*23. In the present case, the injured Nazreen expired on 07.11.2021 i.e., about three years after the date of accident (09.10.2018) and it has not been established on record by leading cogent evidence that the death of the injured was the result of injuries which she received in the accident. Therefore, the present case has to be treated as injury case where the injured had died subsequently and accordingly, the issue no.l was framed in this case.*"

3. *Ms. Bagga*, therefore, states that being a case of injury, the issue will be regarding loss to estate and not a loss for dependency and, therefore, the multiplier of 17 ought not to have been applied, but 3 should have been applied. She relies on judgment of the Supreme Court delivered in ***Dhannalal Alias Dhanraj (Dead) Thr. Lrs. v. Nasir Khan & Ors.*** 2025 INSC 1177, where the Supreme Court has taken into account a situation where the injured had lived only for eleven years and, therefore, reduced the multiplier adopted by Tribunal from 14 to 11 to the actual life span. Relevant paragraphs of the judgment are extracted as under:

> "*11. It is trite that what is awarded to an injured in a claim petition is just compensation and as held*

> *by this Court it cannot lead to a windfall for the injured claimant or his legal heirs. The Tribunal and the High Court had adopted the multiplier of 14 for the 45 year old claimant which is in accordance with the judgment of a Constitution Bench of this Court in National Insurance Company Ltd. v. Pranay Sethi and Others. The fact remains that the injured lived only for 11 years. Probably; his life span having been reduced by the injuries which rendered him 100% disabled, ultimately resulting in his demise. <u>The multiplier is applied on the assessment of the normal life span where an injured or deceased in a motor accident would have worked and earned to support himself and his family. When the consideration in the present appeal, is with respect to the loss occasioned to the estate of the injured; the injured having died, the multiplier adopted of 14 cannot be applied which will have to be reduced to 11, the actual life span</u>. The victim not being engaged in a regular employment still is entitled to 25% for future prospects especially since his functional disability was 100%, totally disabled from carrying on any work or generate any income."*
>
> (*emphasis added*)

4. Accordingly, she states that multiplier be reduced from 17 to 3 and further, it was stated that appellant/insurance company has no objections to other components in the calculation.

5. Issue notice to legal heirs of injured (*now deceased*) respondent nos. 1(a), 1(b) and 1(c) on steps being taken by appellant through all permissible modes including e-mail, etc.

6. Returnable on 19^{th} May, 2026

7. TCR be requisitioned and placed on record. Registry may provide a digital copy of the same to respective counsels, at their request.

8. Subject to deposit of 100% compensation amount along with interest by appellant/Insurance Company before the Registry of this Court within a period of three weeks, there shall be a stay on the enforcement proceedings till next date of hearing.

9. As per *Ms. Suman Bagga*, with the multiplier of 3, along with interest, calculation would amount to approximately *Rs.11,00,000*/-.

10. Accordingly, *Rs.11,00,000*/- be released in favour of claimants by the Registry, pursuant to verification of their identities. Balance amount be kept in an interest-bearing fixed deposit and will be subject to further orders of this Court.

11. List on 17th February 2026 before the Joint Registrar (Judicial).

12. List before the Court on 19th May 2026.

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

ANISH DAYAL, J

JANUARY 16, 2026/ak/*sp*