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

% *Date of decision: 07th August 2026*

(5)

\# **CNR No. DLHC011881942013**

\+ **MAC.APP. 1127/2013**

ORIENTAL INSURANCE CO LTD .....Appellant

Through: Mr. Pankaj Seth, Ms. Shruti Jain and Mr. Md. Rehan Ali, Advs.

versus

ANEETA KUMARI & ORS .....Respondents

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

(6)

\# **CNR No. DLHC011809032014**

\+ **MAC.APP. 903/2014**

ANEETA KUMARI & ORS .....Appellants

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

versus

THE ORIENTAL INSURANCE CO LTD .....Respondent

Through: Mr. Pankaj Seth, Ms. Shruti Jain and Mr. Md. Rehan Ali, Advs. for R-1.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. These cross-appeals have been filed assailing impugned award dated 15th October 2013, passed by the Motor Accident Claims Tribunal, West District, Tis Hazari Courts, Delhi [‘***MACT/Tribunal***’] in *Suit No. 339/2010*,

whereby compensation of *Rs. 1,49,500/-* along with interest at the rate of 7.5% per annum was awarded in favour of injured/claimant [‘***impugned award***’]; ***MAC.APP. 1127/2013*** filed by the Insurance Company seeks reduction of compensation, and ***MAC.APP. 903/2014*** filed by claimants seeks enhancement of compensation.

2. Claimant herein, namely, *Aneeta Kumari*, was injured in an accident which occurred on 24th August 2009. As a result of the injuries caused, she suffered *41% permanent physical disability* in relation to *both lower limbs*.

3. *Ms. Shruti Jain*, counsel appearing for Insurance Company, states that injured/claimant was *42 years* old on the date of the accident, and that the MACT granted *future prospects* at *30%.*

4. However, in terms of the principles enunciated by the Supreme Court in ***Sarla Verma Vs. DTC***, (2009) 6 SCC 121, and ***National Insurance Co. Ltd. v. Pranay Sethi****,* (2017) 16 SCC 680, the addition towards *future prospects* ought to be reduced to *25%.*

5. *Mr. R.K. Sonkiya*, counsel for injured/claimant, points out to the judgment passed by this Court on 13th May 2026 in ***MAC.APP. 425/2014***, enhancing the compensation awarded by the MACT in respect of *Kalpana Chauhan*, who was also injured in the same accident.

6. Having perused the aforesaid judgment, the Court finds that the elements of compensation which had been enhanced were towards non-pecuniary losses, including *loss of amenities of life*, which had not been provided for in that matter as well and were, therefore, awarded at *Rs. 25,000/-* by this Court.

7. Accordingly, compensation towards *loss of amenities of life* shall be awarded at *Rs. 25,000/-*. Compensation towards *pain and suffering*, which

was awarded at *Rs. 15,000/-*, shall also be increased to *Rs. 25,000/-*.

8. According, the revised compensation shall be calculated as under:

S. no	Heads of Compensation	Awarded by tribunal	Awarded by the Court
	Pecuniary Loss		
1.	Expenditure on conveyance and special diet (A)	Rs. 5,000/-	Rs. 5,000/-
2.	Income of injured per month (B)	Rs. 3,953/-	Rs. 3,953/-
3.	Future Prospects (C)	Rs. 5,138.9/- [@30%]	Rs. 4,941.25/- [@25%]
4.	Functional Disability (D)	15%	15%
5.	Multiplier (E)	14	14
6.	Loss of Future Income (F= C X 12 X D X E)	Rs. 1,29,500/-	Rs. 1,24,520/-
	Non-pecuniary loss		
7.	Pain and suffering (G)	Rs. 15,000/-	**Rs. 25,000/-**
8.	Loss of amenities of life (H)		**Rs. 25,000/-**
9.	Total [A + F + G+ H = I]	Rs. 1,49,500/-	Rs. 1,79,520/-
10.	**Enhanced compensation**	**Rs. 30,020/-**	
11.	Interest	7.5%	**8.5%**

Directions

9. Accordingly, the compensation shall stand enhanced by ***Rs. 30,020/-*** [‘***enhanced amount***’].

10. Further, the interest awarded at *7.5%*, has been enhanced to *8.5%*, considering that the accident occurred in 2009, which is in alignment with the fixed deposit rates of interest prevailing at that time.

11. By order dated 09th December 2013, the Court had directed the deposit of the entire awarded amount along with up-to-date interest thereon. Further, it was directed that *80%* of the deposited amount be released in favour of injured/claimant.

12. The balance amount, which is deposited with the UCO Bank, Delhi High Court Branch, shall be released to the injured/claimant as a lump sum amount.

13. Enhanced amount, along with interest at the rate of **8.5%** per annum from the date of filing the petition shall be deposited before the Registrar General of this Court within a period of *four weeks*, and released in favour injured/claimants as a lump sum amount thereafter.

14. Accordingly, the appeals are disposed of.

15. Statutory amount be refunded to the Insurance Company, only if the order of deposit has been complied with.

16. Pending applications, if any, are rendered infructuous.

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

(ANISH DAYAL)
JUDGE

AUGUST 07, 2026/mk/*ya*