

IN THE SUPREME COURT OF INDIA**CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NO. 10651 OF 2025****(Arising out of SLP (C) No. 22992 of 2025)****(Diary No. 5132/2025)****SHABRA & ANR.****... APPELLANTS****VERSUS****THE ORIENTAL INSURANCE CO. LTD. & ORS.****... RESPONDENTS****O R D E R**

1. The present special leave petition has been filed with a delay of 1877 days. After hearing learned counsel for the parties and considering the fact that the quantum as awarded in case of death of a child aged 8 years is inadequate, therefore, to extend the benefit of the benevolent legislation, we deem it appropriate to condone the delay subject to the condition that for the belated period, claimants would not be entitled for the interest, if any awarded.

2. Leave granted.

3. Arising out of the award dated 10.09.2019 passed by the

High Court of Punjab and Haryana at Chandigarh in FAO No. 433 of 2015 granting compensation of Rs.3,30,000/- modifying the Award dated 18.11.2014 of the Motor Accident Claims Tribunal, Gurgaon granting compensation of Rs.3,15,000/-, the present appeal has been filed.

4. The facts which are not in disputes are that on 14.03.2014, the deceased aged about 08 years, while going to his home along with his father struck by a Canter bearing registration No.HR-30F-0271 driven by Respondent No. 3 in a rash and negligent manner without blowing the horn. As a result of that, the child, namely, Sahib died.

5. On filing the claim petition under Section 166 of the Motor Vehicles Act compensation to the tune of Rs.3,15,000/- was claimed. The Tribunal, though calculated higher compensation, i.e., Rs.3,30,000/- but allowed the compensation of Rs.3,15,000/- looking to the valuation of the claim petition.

6. On filing appeal before the High Court, the same was allowed to the extent of calculation made by the Tribunal enhancing Rs.15,000/- making total to Rs.3,30,000/-. Being dissatisfied of the same, the present appeal has been filed.

7. Having considered the submissions as made before us and relying upon the judgment in the case of ***Kishan gopal & Anr. vs. Lala & Ors.***¹, we are satisfied that looking to the date of accident which is 14.03.2014, taking notional earning of Rs.30,000/- applying multiplier of 15, the total loss of dependency comes to Rs.4,50,000/-. Further adding Rs.50,000/- towards conventional head, the sum comes to Rs.5,00,000/-. As such the compensation granted is inadequate and deserves enhancement.

8. It is needless to observe that if claimants made less valuation while filing the claim petition, it would not be an impediment on the court to allow the compensation higher to the claim as made before the Tribunal or the Court (Kindly see ***Nagasheety vs. United India Insurance Co. Ltd. & Ors.***²).

9. In view of the foregoing, the present appeal stands allowed in part. Enhancement of compensation to the tune of Rs.5,00,000/- (Rupees five lakhs only) is allowed substituting the amount of compensation as awarded by the Tribunal and enhanced by the High Court. The enhanced amount shall carry interest @ 6% per annum from the date of filing of the claim

1 (2014) 1 SCC 244

2 (2001) 8 SCC 56

petition till its realisation. In view of the belated filing of the special leave petition and while condoning the delay, it was directed that for the belated period i.e., 1877 days, the appellant would not be entitled for the interest. Therefore, the insurance company is at liberty to calculate the amount of the interest from the date of filing of the claim petition till realisation reducing the said period.

10. Pending applications, if any, shall stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[VIJAY BISHNOI]

New Delhi;
August 14, 2025.

ITEM NO.48

COURT NO.4

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 5132/2025
[Arising out of impugned final judgment and order dated 10-09-2019
in FAO No. 433/2015 passed by the High Court of Punjab & Haryana at
Chandigarh]

SHABRA & ANR.**Petitioner(s)****VERSUS****THE ORIENTAL INSURANCE CO. LTD. & ORS.****Respondent(s)****(IA No. 30865/2025 - CONDONATION OF DELAY IN FILING)****Date : 14-08-2025 This matter was called on for hearing today.**

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :Mr. Avinash Kr. Lakhanpal, AOR
Mr. Piyush Lakhanpal, Adv.
Mr. Lovish Jain, Adv.
Mr. Dhiraj Kumar, Adv.

For Respondent(s) :Mr. Amlan Kumar Ghosh, AOR
Mr. Subodh Kumar Jha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.
2. Leave granted.
3. The appeal stands allowed in part in terms of the signed order. Pending applications, if any, shall stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)