

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 14574 OF 2025
(Arising out of SLP(Civil)No.19221 of 2025)

RISA ...Appellant
Vs.

THE MANAGER, UNITED INDIA
INSURANCE CO. LTD. & ORS. ...Respondents

O R D E R

1. Leave granted.
2. The appellant, who is the widow of the deceased in a motor accident, has filed the present appeal challenging the order dated 25th July, 2024 passed by the High Court of Judicature at Bombay, Aurangabad Bench in Civil Revision Application No.107 of 2024 by which the order dated 27th June, 2024 passed by the Taxing Officer has been upheld.
3. Briefly, the facts of the case are that the husband of the appellant, namely, Umesh Yadav died in a road accident on 5th November, 2015. Claim Petition was filed before the Motor Accident

Claims Tribunal, Sangamner, District Ahmednagar¹ by the claimants seeking compensation of ₹50,00,000/- (Rupees fifty lakh only). The Tribunal vide order dated 27th June, 2024 awarded a sum of ₹13,80,200/- (Rupees thirteen lakh eighty thousand two hundred only).

3.1 Aggrieved against the aforesaid Award of the Tribunal, the appellant preferred appeal before the High Court. As she had lost the bread earner of her family, the claim in the appeal, for the purpose of court fee, was restricted to ₹5,00,000/- (Rupees five lakh only) and court fee of ₹7,215/- (Rupees seven thousand two hundred fifteen only) was paid. The office raised an objection regarding deficiency in court fee of ₹21,600/- (Rupees twenty one thousand six hundred only), which was contested by the appellant. However, the Taxing Officer, vide order dated 27th June, 2024, directed the appellant to deposit the deficit court fee of ₹21,600/- (Rupees twenty one thousand six hundred only). It was observed in the order passed by the Taxing Officer order that initial compensation claimed by the appellant was ₹50,00,000/- (Rupees fifty lakh only). The Tribunal had granted ₹13,80,200/- (Rupees thirteen lakh eighty thousand two

1 For short, “the Tribunal”

hundred only). Hence, the appellant was required to pay court fee on ₹36,19,800/- (Rupees thirty six lakh nineteen thousand eight hundred only). The order passed by the Taxing Officer was upheld in a Revision Petition by the High Court vide the impugned order.

4. Learned counsel for the appellant submitted that in terms of proviso to Section 7(2) of the Maharashtra Court Fees Act, 1959², deficit court fee can be made good later on in case the High Court awards more relief than claimed in monetary terms. In the case in hand, the appellant having lost her husband, she did not have enough means to pay huge court fee for filing appeal and had restricted her claim to ₹5,00,000/- (Rupees fifty lakh only), for the purpose of payment of court fee and deposited the same. In case the compensation is enhanced by the High Court in the appeal filed by her, deficit shall be made good. Merely on account of non-deposit of court fee initially, the appellant should not be deprived of the opportunity to claim higher compensation to which she may be entitled to in terms of the settled position of law.

5. Learned counsel for the appellant has also referred to a subsequent order passed by the High Court of Judicature at Bombay,

2 For short “the Act”

Bench at Aurangabad in Civil Revision Application No. 106 of 2025 –

Shivshankar v. Sanjay & others³ and bunch of cases wherein, under the similar circumstances, the High Court had set aside the order passed by the Taxing Officer.

6. Learned counsel for the respondent No.1-Insurance Company also endorsed the arguments raised by learned counsel for the appellant and the subsequent order passed by the High Court in bunch of cases as referred to by learned counsel for the appellant.

7. As the issue pertains to deposit of court fee under the State Act, on 14th October, 2025, we had requested Mr. Aditya A. Pandey, learned counsel who appears for the State of Maharashtra to seek instructions. His contention is that the court fee is payable in terms of Section 7 of the Act. However, he could not dispute that the proviso to Section 7(2) permits payment of deficit court fee after the appeal is decided finally.

8. Heard learned counsel for the parties and perused the relevant material available on record.

9. As we have already noticed above, the case arises out of a motor accident where the husband of the appellant died on 5th

November, 2015. The facts which give rise to the present litigation are narrated in Paragraph 3 above, hence are not being repeated.

10. It is well settled that the claim of compensation in a motor accident case is not a factor which is relevant for the purpose of award of compensation to the claimants, as it is for the court to calculate just and fair compensation. Even if lesser amount had been claimed, the claimants can always be held entitled to receive the higher amount. Reference can be made to the judgement of this Court in **Chandramani Nanda vs. Sarat Chandra Swain and Anr.**⁴.

Relevant paragraph is extracted herein under:

“20. An argument is raised by learned counsel for the insurance company that the appellant has initially claimed a sum of Rs. 30,00,000/- and since the same having been awarded to him by the High Court, no further enhancement is possible. We cannot accept this argument and it is duly rejected. It is a settled proposition of law, that the amount of compensation claimed is not a bar for the Tribunal and the High Court to award more than what is claimed, provided it is found to be just and reasonable. It is the duty of the Court to assess fair compensation. Rough calculation made by the claimant is not a bar or the upper limit. Reference in this regard

can be made to the judgment of this Court in the case of Meena Devi v. Nunu Chand Mahto.”

11. We may refer to the provisions of Section 7 of the Act which reads as under:

“7(2). The amount of fee payable under this Act on a memorandum of appeal against an award of a Claims Tribunal preferred under section 110-D VI of the Motor Vehicles Act, 1939, shall be computed as follows:

(i) If such appeal is preferred by the insurer or owner of the motor vehicle- the full ad-valorem fee leviable on the amount at which the relief is valued in the memorandum of appeal according to the scale prescribed under Article I of Schedule I:

(ii) If such appeal is preferred by any other person one half of ad-valorem fee leviable on the amount at which the relief is valued in the memorandum of appeal according to the said scale.

Provided that, if such person succeeds in the appeal, he shall be liable to make good the deficit, if any, between the full ad-valorem fee payable on the relief awarded in the appeal according to the said scale and the fee already paid by him; and the amount of

such deficit shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue."

12. A perusal of the proviso to the aforesaid Section clearly provides that if a person succeeds in appeal, he/she shall be liable to make good the deficit, if any, between the full ad-valorem fee payable on the relief awarded in the appeal according to the said scale and the fee already paid by him. Such an amount can be recovered as arrears of land revenue.

13. We have further perused the order dated 7th August, 2025 passed by the High Court in **Shivshankar's case (supra)**. where the High Court, subsequent to the order passed in the present case, has opined that Clause (ii) of Section 7(2) makes it clear that appellants are at liberty to restrict the value of their claim and pay court fee accordingly. This concession is not one in perpetuity but in-fact only serves the purpose of accommodating the appellants in view of their peculiar circumstances, allowing them to pay the additional court fee later when the appeal is finally decided. We approve the view taken by High Court of Judicature at Bombay in the above case.

14. In our opinion, the proviso to Section 7 clearly comes to

the rescue of the appellant, as it provides an option to any appellant before the Court to restrict his/her claim for the purpose of deposit of court fee and in case the compensation is enhanced, the deficit can be made good later on, after the appeal is finally decided. The aforesaid provision is specific to the motor accident cases. It is a kind of succour to the claimants as they may be short of money at that stage. There may be an Award passed in their favour by the Tribunal which may still be under execution and further there may be many liabilities to be taken care of by the family. There may be a case where the claimant may have been seriously injured, requiring regular medical care or medical assistance.

15. For the reasons mentioned above, the impugned order dated 25th July, 2024 passed by the High Court as well as the order dated 27th June, 2024 passed by the Taxing Officer are set aside. The appellant is permitted to restrict her claim for seeking enhancement of compensation for the purpose of deposit of court fee. The Taxing Officer could not have assessed the court fee merely on the basis that initially the appellant had claimed compensation of ₹50,00,000/- (Rupees fifty lakhs only) before the Tribunal, as in appeal the parties are at liberty to claim as much compensation as they wish to. It can

either be less or more. As far as the issue of payment of Court fee is concerned, the same is well taken care of by the proviso to Section 7(2) of the Act. In case of deficit, the same can be made good later.

16. Before parting with the order, we wish to add that for filing an appeal by the claimant seeking enhancement of compensation in a motor accident case, in the High Court of Punjab and Haryana the court fee payable is ₹5.25 only. As far as Delhi High Court is concerned again the court fee is not ad valorem but fixed at ₹250/-⁵. This is a progressive legislation by way of State amendment whereby relief has been granted to the category of persons who deserve it. Similar suit can be followed by other States as well. In any case, the ultimate burden of a court fee is not on the claimant rather on the judgment-debtor, as the same will form part of the memo of cost in the final decree. Further, the collection of court fee in such matters may not be a substantial amount. This also has relevance for the reason that claim of compensation is irrelevant for the purpose of award of compensation by the court. It is the duty of the court to award just and fair compensation, irrespective of any amount claimed by the claimant.

5 Vide The Court-Fees (Delhi Amendment) Act, 2012 dated 04.07.2012

17. The appeal is accordingly allowed.

.....J.
(RAJESH BINDAL)

.....J.
(MANMOHAN)

NEW DELHI;
November 18, 2025.

ITEM NO.39

COURT NO.16

SECTION IX-A

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

Petition(s) for Special Leave to Appeal (C) No(s). 19221/2025

[Arising out of impugned final judgment and order dated 25-07-2024 in CRA No. 107/2024 passed by the High Court of Judicature at Bombay, Bench at Aurangabad]

RISA

Petitioner(s)

VERSUS

THE MANAGER UNITED INDIA INSURANCE COMPANY LTD & ORS. Respondent(s)

(IA No. 152416/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 152417/2025 - EXEMPTION FROM FILING O.T.)

Date : 18-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :

Mr. Kailas Bajirao Autade, AOR (Through V.C.)

For Respondent(s) :

Mr. Rajesh Kumar Gupta, AOR
Ms. Jyoti Kaushik, Adv.

Mr. Sandeep Sudhakar Deshmukh, AOR
Mr. Nishant Sharma, Adv.
Mr. Mayur Saavarkar, Adv.

Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Shirang B. Varma, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Adarsh Dubey, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications shall also stand disposed of.

**(ANITA MALHOTRA)
AR-CUM-PS**

(Signed order is placed on the file.)

**(AKSHAY KUMAR BHORIA)
COURT MASTER**