(Pronouncement)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) FAO No. 4440 of 2008 (O&M)

Mehar Dass

...Appellant

Versus

Krishan Singh and others

...Respondents

AND

(2) FAO No. 173 of 2009 (O&M)

Khushi Ram

...Appellant

Versus

Krishan Singh and others

...Respondents

1	The date when the judgment was reserved	24.04.2026
2	The date when the judgment is pronounced	02.07.2026
3	The date when the judgment is uploaded on the website	02.07.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	Not applicable

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Argued By:- Mr. R.K. Dhiman, Advocate
for the appellant (in FAO-4440-2008)

Mr. Ritender Rathee, Advocate and
Ms. Mamta Saini, Advocate
for the appellant (in FAO-173-2009)

Mr. Sandeep Kumar, Advocate for
Mr. G.C. Shahpuri, Advocate
for respondent No. 2 (in FAO-4440-2008)

Mr. Pradeep Kumar, Advocate for
Mr. D.P. Gupta, Advocate
for respondent No. 3-Insurance Company (in both cases).

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HARKESH MANUJA, J.

By this common judgment, two appeals bearing FAO No. 4440 of 2008 **(lead case)**; and FAO No. 173 of 2009 arising out of award dated 06.09.2008 passed by the learned Motor Accident Claims Tribunal, Yamuna Nagar **(for short, "the Tribunal")**, in MACT Case No. 69 of 15.04.2006 are being decided together.

[2] The present appeal(s) have been preferred by the appellant(s)/claimant(s) against the Award dated 06.09.2008 passed by the learned Tribunal, whereby the claim petitions filed under Section 166 of the Motor Vehicles Act, 1988 were dismissed on the ground that the appellant(s) failed to prove that the accident in question occurred due to rash and negligent driving of tractor-trolley bearing registration No. HR-02N-3946.

BRIEF FACTS

[3] The case set up by the claimants before the Tribunal was that on 05.04.2006, appellants-Khushi Ram and Mehar Dass were travelling on motorcycle No. HR-02N-9153 from village Topra Khurd towards Yamuna Nagar. At about 10:00/10:30 A.M., when they reached near Haryana Dharam Kanta on Radaur Road, Yamuna Nagar, tractor-trolley bearing registration No. HR-02N-3946, driven by respondent No.1-Krishan Singh in a rash and negligent manner, came from the opposite direction and collided with the motorcycle, resulting in serious injuries to both the claimants.

[4] The appellant(s) suffered multiple grievous injuries and remained admitted in Mahajan Hospital, Yamuna Nagar. Compensation was accordingly claimed. The respondents contested the claim petitions and pleaded that the accident occurred due to negligence of Khushi Ram, who was allegedly driving the motorcycle at a high speed and on the wrong side of the road. The learned Tribunal, while deciding Issue No.1, concluded that negligence of the tractor driver was not established and consequently dismissed both claim petitions. Aggrieved thereof, the appellant(s)/claimant(s) preferred the present appeal(s).

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANT(S)/CLAIMANT(S)

[5] Learned counsel for the appellant(s) contended that the Tribunal adopted a hyper-technical approach and ignored the settled principle that proceedings before the Claims Tribunal are summary in nature and negligence is required to be established on the touchstone of preponderance of probabilities and not beyond reasonable doubt. It was further argued that registration of FIR, filing of challan, framing of charge against respondent No.1 and the consistent testimony of both injured eye-witnesses constituted sufficient evidence to hold the tractor driver negligent.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No.2/OWNER OF THE OFFENDING VEHICLE.

[6] Learned counsel appearing on behalf of respondent No.2-owner supported the award passed by the learned Tribunal and submitted that the appellants failed to discharge the burden of proving rash and negligent driving on the part of respondent No.1. It was argued that the site plan prepared during investigation clearly indicated that the point of impact was on the correct side of the tractor, thereby corroborating the defence version that the motorcycle came to the wrong side of the road. Learned counsel further contended that the testimony of the claimants, being interested witnesses, was rightly disbelieved by the Tribunal, particularly in view of the material improvements made in their version and the non-examination of the independent witness namely Chaman Lal. It was, thus, prayed that the findings recorded by the Tribunal were based upon proper appreciation of evidence and did not warrant any interference in appeal.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No.3/INSURANCE COMPANY

[7] Learned counsel for respondent No.3/Insurance Company argued on the same grounds as raised by respondent No. 2 and further submitted that the appellants failed to prove rash and negligent driving of the offending vehicle by leading cogent and reliable evidence. It was contended that mere registration of an FIR, filing of a challan or framing of charge against the driver cannot, by itself, establish negligence in a claim petition under Section 166 of the Motor Vehicles Act. Learned counsel maintained that the findings recorded by the learned Tribunal were based on proper appreciation of the evidence available on record and, therefore, the impugned award does not warrant any interference by this Court.

DISCUSSION AND REASONING

[8] I have heard learned counsel for the parties and perused the paper-book of the case.

QUESTION OF NEGLIGENCE

[9] At the outset, it requires to be noticed that both appellants were injured in the same occurrence. Khushi Ram appeared as PW-8 and Mehar Dass appeared as PW-9. Both categorically deposed regarding involvement of tractor-trolley No. HR-02N-3946 and attributed negligence to respondent No.1. Their presence at the spot cannot be doubted since both suffered injuries in the occurrence itself. The learned Tribunal discarded their testimony primarily on the ground that the FIR did not specifically mention that the tractor came on the wrong side of the road and that an independent witness namely Chaman Lal was not examined. In the considered opinion of this Court, the approach adopted by the Tribunal is legally unsustainable.

[9.1] The Hon'ble Supreme Court in ***Bimla Devi and others versus Himachal Road Transport Corporation and others,***

2009 (13) SCC 530, held that strict rules of evidence are not applicable in claim petitions under the Motor Vehicles Act and negligence is to be determined on the basis of preponderance of probabilities. It was further held that where criminal proceedings have been initiated against the driver of the offending vehicle, the same constitutes a relevant circumstance while determining negligence. Similarly, in ***Mangla Ram versus Oriental Insurance Company Limited, 2018 (5) SCC 656,*** the Hon'ble Supreme Court reiterated that the standard of proof in motor accident claim cases is much lighter than that required in criminal proceedings and a holistic view of the evidence has to be adopted.

[9.2] In the present case, it stands established from the record that the occurrence was duly reported to the police and FIR No.126 dated 07.04.2006 came to be registered with respect to the accident in question, wherein the offending tractor-trolley bearing registration No. HR-02N-3946 was specifically mentioned. The investigation conducted by the police culminated in the filing of a report under Section 173 Cr.P.C. against respondent No.1, and the competent criminal Court proceeded to frame charges against him under Sections 279, 337 and 338 IPC. Furthermore, both the injured claimants entered the witness-box and consistently deposed regarding the manner of the accident and the involvement of the offending vehicle. These circumstances, when considered cumulatively, lend substantial support to the case set up by the claimants regarding the occurrence and involvement of respondent No.1 in the accident. Merely because the FIR did not expressly record that the tractor came to the wrong side of the road cannot lead to an inference that the accident did not occur due to negligence of respondent No.1. FIR is not expected to contain every minute detail of the occurrence.

[9.3] The learned Tribunal also placed substantial reliance upon the site plan. However, even assuming that the point of impact was shown on the left side of the road while proceeding from Yamuna Nagar towards Radaur, the same by itself was not sufficient to completely discredit the testimony of two injured eye-witnesses, particularly when the site plan was prepared during police investigation and the person on whose demarcation it was allegedly prepared was never examined by the respondents, thereby denial of opportunity to the appellant(s) to cross-examine him. It is equally significant that respondent No.1 himself admitted the occurrence and the involvement of his tractor. Thus, the controversy was confined only to the manner of accident.

[9.4] Further, proceedings before the Claims Tribunal are welfare-oriented proceedings intended to grant just compensation to victims of road accidents. The Tribunal was required to appreciate the evidence in a liberal manner consistent with the object of the legislation. The cumulative effect of the testimony of the injured witnesses, registration of FIR, police investigation, filing of challan and framing of charge against respondent No.1 clearly establishes, on the touchstone of preponderance of probabilities, that the accident occurred due to rash and negligent driving of tractor-trolley bearing registration No. HR-02N-3946 by respondent No.1. Consequently, the finding recorded by the Tribunal on Issue No.1 cannot be sustained and is hereby set aside.

[9.5] Since the learned Tribunal dismissed the claim petitions, no compensation was assessed. Therefore, this Court proceeds to determine just and fair compensation payable to the appellant(s).

[10] Before determining the quantum of compensation, it is essential to draw guidance from the principles laid down in similar cases by the Hon'ble Apex Court. In ***"Raj Kumar vs. Ajay Kumar and Ors."*** reported as ***(2011) 1 SCC 343*** the Court laid down the heads under which compensation is to be awarded for personal injuries.

> *"6. The heads under which compensation is awarded in personal injury cases are the following:*
>
> *Pecuniary damages (Special damages)*
>
> *(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.*

(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:

(a) Loss of earning during the period of treatment;

(b) Loss of future earnings on account of permanent disability.

(iii) Future medical expenses.

Non-pecuniary damages (General Damages)

(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage).

(vi) Loss of expectation of life (shortening of normal longevity).

In routine personal injury cases, compensation will be awarded only under heads (i), (ii) (a) *and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, the compensation will granted under any of the heads (ii)* (b), *(iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life".*

ASSESSMENT UNDER "LOSS OF INCOME" (MEHAR DASS)

[11] A perusal of the record reveals that the appellant/claimant was 28 years of age at the time of accident and stated to be earning Rs. 5,000/- per month as he was working as a junk dealer. However, no documentary evidence was produced on record. Even otherwise, it stands duly proved that the appellant sustained grievous injuries in the accident, on account of which he remained hospitalized and incapacitated for a considerable period, rendering him unable to attend his avocation. In such circumstances, the absence of documentary proof could not have been a ground to deny just compensation, particularly when the nature of injuries and period of treatment clearly establish loss of earning during the period of rehabilitation. In this situation observations made by the Hon'ble Apex Court in ***"Kubra Bibi vs. Oriental Insurance Co. Ltd.",*** reported as ***2023 (3) Apex Court Judgments (SC) 23,*** to the effect that in the absence of definite proof of income, the social status of the deceased is to be kept in perspective where such persons are employed in unorganized sector and the notional income is required to be taken into consideration to help the cause of the appellant. Relevant para from this judgment is reproduced hereunder:-

> *"7. In a matter of the present nature where the compensation is sought and even in absence of definite proof of the income, the social status of the deceased is to be kept in perspective where such persons are employed in unorganized sector and the notional income in any event is required to be taken into consideration. The fact that the deceased had three dependents to be cared for and had claimed that he was working as a mechanic, the amount payable to an unskilled labour, cannot be the basis and in that circumstance when he was a skilled person, the daily income at Rs. 200 per day in any event could have been taken even if the income from jeep transport business was discarded for want of documents. More so in a circumstance, where the MACT had referred to the evidence available on record and then arrived at its conclusion, the re-appreciation of the evidence by the High Court is without being sensitive to nature of lis before it."*

[11.1] Furthermore, the nature of proceedings in Motor Accident Claims, being summary in nature, evidence in *stricto* *sensu* is not required. The Hon'ble Supreme Court in case of ***"Chandra @ Chanda @ Chandraram vs. Mukesh Kumar Yadav & Ors."***, reported as ***(2022) 1 SCC 198,*** held that in the absence of proof of income, the minimum wage notification can be a yardstick but at the same time cannot be absolute one to fix the income of the deceased and some guesswork is required to be done to assess the income. Relevant excerpt thereof is reproduced hereunder:-

> *"…….In the absence of salary certificate the minimum wage notification can be a yardstick but at the same time cannot be an absolute one to fix the income of the deceased. In the absence of documentary evidence on record some amount of guesswork is required to be done. But at the same time the guesswork for assessing the income of deceased should not be totally detached from reality. Merely because claimants were unable to produce documentary evidence to show the monthly income of Shivpal, same does not justify adoption of lowest tier of minimum wage while computing the income. There is no reason to discard the oral evidence of the wife of the deceased who has deposed that late Shivpal was earning around Rs. 15,000/- per month……"*

[11.2] In view of the aforesaid discussion and also while keeping into account the facts and circumstances of the present case, this Court is of the considered opinion that the notional income of the appellant/claimant is assessed @ Rs. 4,200/- per month (Rs. 140 per day). Now, as per the testimony of PW1 Dr. R.K Mahajan, Orthopaedic Surgeon, Mahajan Hospital, Yamuna Nagar, the appellant/claimant remained in hospital from 05.04.2006 to 18.04.2006 i.e. 13 days and as such loss of income suffered by him during the said period is assessed as Rs. 1,820/- (Rs. 140 x 13). Further, evidently the motor vehicular accident in the present case took place on 05.04.2006 and the appellant/claimant must have been bed-ridden for 5 months due to compound fracture of left mandible, fracture of pelvis, after the accident. Thus, it would be safe to assume that the appellant suffered loss of income for 5 months due to reduced working capacity. Therefore, after considering facts and circumstances of the present case, loss of income for the said period is conservatively assessed @ Rs. 21,000/- (Rs. 140 x 150). Further, with regard to the claim for compensation under the head of *'loss of future income'*, in the absence of any cogent evidence establishing permanent disability suffered by the appellant/claimant, no amount is liable to be awarded under the said head.

ASSESSMENT UNDER "MEDICAL EXPENSES / HOSPITALIZATION"

[12] In the present case, appellant/claimant suffered compound fracture of left mandible and pelvis. Even though the appellant could only produce few medical bills but keeping in mind the cost factor prevalent at the time of motor vehicular accident and the follow-up treatment besides need of medicines during rehabilitation period, the compensation under this head needs to be reassessed. The aforesaid view finds force from the fact that due to shock and mental agony on account of accident, a person cannot be presumed to be vigilant enough to collect all the bills for claim/reimbursement purposes, thus, compensation under this head is assessed as Rs. 1,00,000/-.

ASSESSMENT ON THE ASPECT OF "PAIN AND SUFFERING"

[13] For assessing just compensation under the head of pain and sufferings, reference may be drawn to the decision of the Hon'ble Supreme Court in ***K. Murlidhar vs. R. Subbulakshmi & Anr., 2024 INSC 886,*** wherein it was held that the award of compensation under non-pecuniary heads must be reasonable and commensurate with gravity of the injuries suffered; the extent of disability; the duration of hospitalization, and the mental and physical agony endured by the claimant. Relevant portion of the same is reproduced as under:-

> *"15. Keeping in view the above-referred judgments, the injuries suffered, the 'pain and suffering' caused, and the life-long nature of the disability afflicted upon the claimant-appellant, and the statement of the Doctor as reproduced above, we find the request of the claimant-appellant to be justified and as such, award Rs. 15,00,000/- under the head 'pain and suffering', fully conscious of the fact that the prayer of the claimant-appellant for enhancement of compensation was by a sum of Rs. 10,00,000/-, we find the compensation to be just, fair and reasonable at the amount so awarded."*

[13.1] In light of the settled legal position enunciated by the Hon'ble Supreme Court in ***Muralidhar's case (supra),*** and having due regard to the peculiar facts and circumstances of the present case, it is evident from the documentary evidence duly proved on record that the appellant/claimant sustained compound fracture of left mandible and pelvis. Thus, this Court is of the opinion that an amount of Rs. 2,00,000/- is awarded under the head of pain and sufferings.

ASSESSMENT UNDER OTHER 'PECUNIARY HEADS'

[14] In view of the nature of injuries sustained by the appellant/claimant, particularly the compound fracture of left mandible and pelvis followed by prolonged post-operative care, it can reasonably be inferred that he remained confined to bed for a period of about 5 months and would have definitely gone for his post-operative care. Therefore, compensation granted under these heads is reassessed @ Rs. 1,00,000/.

CONCLUSION

[15] In view of what has been discussed hereinabove, the **appellant/claimant-Mehar Dass** shall be entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Loss of Income (Rs. 1,820 + Rs. 21,000)	22,820/-
2.	Medical Expenses/Hospitalization	1,00,000/-
3.	Compensation under other pecuniary head	1,00,000/-
4.	Compensation under pain and sufferings	2,00,000/-
	Total Compensation	**4,22,820/-**

ASSESSMENT UNDER "LOSS OF INCOME" (KHUSHI RAM)

[16] A perusal of the record reveals that the appellant/claimant was 25 years of age at the time of accident and stated to be earning Rs. 10,000/- per month as he was running a barber shop under the name and style of "Khushi Hair Dresser". However, no documentary evidence was produced on record. Even otherwise, it stands duly proved that the appellant sustained grievous injuries in the accident, on account of which he remained hospitalized and incapacitated for a considerable period, rendering him unable to attend his avocation. In such circumstances, the absence of documentary proof could not have been a ground to deny just compensation, particularly when the nature of injuries and period of treatment clearly establish loss of earning during the period of rehabilitation. In this situation observations made by the Hon'ble Apex Court in ***"Kubra Bibi vs. Oriental Insurance Co. Ltd.",*** reported as ***2023 (3) Apex Court Judgments (SC) 23,*** to the effect that in the absence of definite proof of income, the social status of the deceased is to be kept in perspective where such persons are employed in unorganized sector and the notional income is required to be taken into consideration to help the cause of the appellant.

[16.1] In view of the aforesaid discussion and also while keeping into account the facts and circumstances of the present case, this Court is of the considered opinion that the notional income of the appellant/claimant is assessed @ Rs. 6,000/- per month (Rs. 200 per day). Now, as per the testimony of PW1 Dr. R.K Mahajan, Orthopaedic Surgeon, Mahajan Hospital, Yamuna

Nagar, the appellant/claimant remained in hospital from 05.04.2006 to 18.04.2006 i.e. 13 days and as such loss of income suffered by him during the said period is assessed as Rs. 2,600/- (Rs. 200 x 13). Further, evidently the motor vehicular accident in the present case took place on 05.04.2006 and the appellant/claimant must have been bed-ridden for 6 months due to fracture of left leg, femur and knee, fracture right clavicle and lacerated wound on left eye, after the accident. Thus, it would be safe to assume that the appellant suffered loss of income for 6 months due to reduced working capacity. Therefore, after considering facts and circumstances of the present case, loss of income for the said period is conservatively assessed @ Rs. 36,000/- (Rs. 200 x 180). Furthermore, though, the appellant/claimant has suffered 20% disability which has been established by the disability certificate (Ex.P87) yet it being a case of fracture of left leg, femur and knee, fracture right clavicle and lacerated wound on left eye, it would be just and fair if the future loss of income/functional disability is assessed @ 15%, keeping in view the nature of work being performed by the appellant, the resultant severe restriction on his mobility and earning capacity, and the settled principle that functional disability may differ from the medical disability depending upon the avocation of the injured. Additionally, the Hon'ble Supreme Court, in the case of ***"Pappu Deo Yadav v. Naresh Kumar"*** reported as ***2020 INSC 553*** held that in cases where a claimant suffers disability due to a motor vehicle accident, compensation may be awarded not only for the future loss of income but also towards future prospects.

[16.2] A perusal of record shows that the age of appellant/claimant at the time of accident was 25 years. The computation of future prospects is to be done as per the law laid down by a Constitution Bench of the Hon'ble Supreme Court in ***"National Insurance Co. Ltd. v. Pranay Sethi"*** reported as ***(2017) 16 SCC 680*** para-59.3, which records the conclusion in this regard, reads as under:-

> *"59.3 While determining income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should read as actual salary less tax."*

[16.3] In view of the above discussion, the appellant/claimant in addition to the loss of future earnings, shall also be entitled to compensation for loss of future prospects @ 40%. Therefore, the income of the appellant/claimant after adding future prospects be taken as Rs. 8,400/- (6,000 + 2,400) per month for the purpose of calculation of compensation.

Accordingly, this Court finds that the compensation payable for the functional disability to the extent of 15% is assessed @ Rs. 2,72,160/- (8,400 x 12 x 18 x 15/100).

ASSESSMENT UNDER "MEDICAL EXPENSES / HOSPITALIZATION"

[17] In the present case, the appellant/claimant suffered disability to the extent of 20% which has been established by the disability certificate (Ex.P87). The appellant/claimant has also stated that he had spent a sum of Rs. 2 lakh approximately on treatment. Even though the appellant could only produce few medical bills but keeping in mind the cost factor prevalent at the time of motor vehicular accident and the follow-up treatment besides need of medicines during rehabilitation period, the compensation under this head needs to be reassessed. The aforesaid view finds force from the fact that due to shock and mental agony on account of accident, a person cannot be presumed to be vigilant enough to collect all the bills for claim/reimbursement purposes, though, total bills proved are for Rs.62,572/- yet in the humble opinion of this Court, compensation under this head is assessed as Rs. 1,50,000/-.

ASSESSMENT ON THE ASPECT OF "PAIN AND SUFFERING"

[18] For assessing just compensation under the head of pain and sufferings, reference may be drawn to the decision of the Hon'ble Supreme Court in ***K. Murlidhar vs. R. Subbulakshmi & Anr., 2024 INSC 886,*** wherein it was held that the award of compensation under non-pecuniary heads must be reasonable and commensurate with gravity of the injuries suffered; the extent of disability; the duration of hospitalization, and the mental and physical agony endured by the claimant. Relevant portion of the same is reproduced as under:-

> ***"15.*** *Keeping in view the above-referred judgments, the injuries suffered, the 'pain and suffering' caused, and the life-long nature of the disability afflicted upon the claimant-appellant, and the statement of the Doctor as reproduced above, we find the request of the claimant-appellant to be justified and as such, award Rs. 15,00,000/- under the head 'pain and suffering', fully conscious of the fact that the prayer of the claimant-appellant for enhancement of compensation was by a sum of Rs. 10,00,000/-, we find the compensation to be just, fair and reasonable at the amount so awarded."*

[18.1] In light of the settled legal position enunciated by the Hon'ble Supreme Court in ***Muralidhar's case (supra),*** and having due regard to the peculiar facts and circumstances of the present case, it is evident from the documentary evidence duly proved on record that the appellant/claimant sustained grievous injuries, namely fracture of left leg, femur and knee, fracture right clavicle and lacerated wound on left eye. More than that, as per the disability certificate brought on record, it has been established that the appellant/claimant was found to be having 20% permanent disability. Thus, this Court is of the opinion that an amount of Rs. 2,00,000/- is awarded under the head of pain and sufferings.

ASSESSMENT UNDER OTHER 'PECUNIARY HEADS'

[19] Admittedly, the injured was bed ridden for 6 months as he was suffering from fracture of left leg, femur and knee, fracture right clavicle and lacerated wound on left eye, and would have definitely gone for his post-operative care. However, learned Tribunal failed to grant adequate compensation under the head of special diet, conveyance charges and attendant charges. Therefore, compensation granted under these heads is reassessed @ Rs. 2,00,000/.

CONCLUSION

[20] In view of what has been discussed hereinabove, the **appellant/claimant-Khushi Ram** shall be entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Loss of Income (Rs. 2,600+ Rs. 36,000 + Rs. 2,72,160)	3,10,760/-
2.	Medical Expenses/Hospitalization	1,50,000/-
3.	Compensation under other pecuniary head	2,00,000/-
4.	Compensation under pain and sufferings	2,00,000/-
	Total Compensation	**8,60,760/-**

[21] In view of the observations made by the Hon'ble Supreme Court in ***"Smt. Supe Dei and others vs. National Insurance Company Limited and other,*** reported as ***(2009) (4) SCC 513*** approved in a subsequent judgment titled as

"Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443, the appellant(s)/claimant(s) are held entitled to interest @ 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization. In case the said amount is not paid within three months, the same shall be payable thereafter along with 12% interest from the expiry of period of three months from today.

[22] Accordingly, **both the appeals** filed at the instance of claimant(s)/appellant(s), are **allowed** in the aforesaid terms with the modification in the liability and quantum of compensation as assessed hereinabove. The impugned award dated 06.09.2008 passed by the learned Tribunal is modified to the extent indicated, and the claimant(s)/appellant(s) shall be entitled to the amount of compensation along with interest in the manner specified in the preceding paragraph. The liability to satisfy the award shall be of respondent No.3-Insurance Company.

[23] Pending miscellaneous application(s), if any, shall also stand(s) disposed off.

July 02, 2026 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No