

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.13162/2026

IN

SLP (C) NO.38681/2025

ABHISHEK

Appellant(s)

VERSUS

UNITED INDIA INSURANCE COMPANY LTD. AND ORS. Respondent(s)

- 1. UNITED INDIA INSURANCE COMPANY LTD.;**
- 2. SANJIV KUMAR; AND**
- 3. SMT. KANCHAN JASWAL**

O R D E R

1. Heard Ms. Radhika Gautam, learned counsel for the petitioner and Ms. Aishani Mohan, learned counsel appearing for the respondent no.1 – United India Insurance Company Ltd. Though served, the respondents no.2 and 3 have not entered appearance.

2. Leave granted.

3. The appeal arises out of order dated 17.09.2025 passed by the High Court of Himachal Pradesh in FAO No.402 of 2015 by which the appeals filed by both the appellant and respondent no.1 against the order of the Motor Accident Claims Tribunal (MACT for short, hereinafter) awarding an amount of Rs.55,00,466.23/- with a rate of interest at 9% has been reduced to Rs.30,14,466/- along with rate of interest at 6% by the High Court.

4. Learned counsel for the appellant submits that the victim was the mother of the appellant, who, due to the accident, became a paraplegic and needed round the clock outside support. She contended that the same also inncluded periods of hospitalization and ultimately the mother succumbed due to such injuries caused in the accident. It was contended that even the MACT had not properly appreciated the position in which the victim/deceased was, but the High Court, instead of enhancing the compensation, reduced the amount substantially, which is totally unjustified, unreasonable and needs interference. It was contended that the High Court has wrongly considered the matter both on facts as well as in law.

5. It was her contention that the High Court, firstly, miscalculated the age of the deceased by a period of almost 11 years, which obviously has changed the multiplier.

6. Moreover, it was submitted that the High Court, without any basis and despite the evidence of the doctors being to the contrary, has held that the death due to cardiac arrest could not prove that it was the result of the accident where clearly the testimonies of both the doctors indicates that the victim became paraplegic due to

the accident and after suffering other ailments, as a consequence, finally succumbed, the immediate cause being cardiac arrest.

7. She summed up her arguments by submitting that the third equally glaring discrepancy in the approach taken by the High Court in the impugned order is that the salary of the deceased has been taken as it was on the date of the accident though the next hike was already due and payable from next month.

8. Learned counsel for the respondent Insurance Company submitted that the High Court has considered the issue logically and the same cannot be said to be perverse and needs to be maintained.

9. Having considered the matter in its entirety and going through the materials on record, we find substance in the contentions of the learned counsel for the appellant. On all three counts on which learned counsel for the appellant has addressed to this Court, we find that the High Court has erred and has not taken the correct view based on the evidence which had come during the trial itself. We further observe that in our considered opinion, there was a direct nexus between the injury suffered by the deceased in the accident which later on culminated in her death through cardiac arrest and on the issue of the age also, the same being a matter

of record, obviously the High Court is incorrect. Likewise, with regard to the salary, we find that the approach taken by the MACT, especially in matters where compensation is to be decided under a beneficiary law, the approach taken was totally reasonable and could not have been interfered the way it has been done by the High Court.

10. Accordingly, for the reasons aforesaid, the appeal is allowed. The judgment of the MACT is restored as far as the compensation amount is concerned. However, we find that the interest of justice would be served if the interest is modified to 7% per annum. Ordered accordingly.

11. The appellant be paid the amount as directed above, after adjusting whatever which may have been paid in the interregnum, latest within a period of 8 weeks from today.

.,J
[AHSANUDDIN AMANULLAH]

.,J
[MANMOHAN]

NEW DELHI;
SEPTEMBER 28TH, 2026

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

Civil Appeal No.13162/2026 in SLP (C) NO.38681/2025

ABHISHEK

Appellant(s)

VERSUS

UNITED INDIA INSURANCE COMPANY LTD. & ORS.

Respondent(s)

[IA No. 338994/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 3194/2026 - EXEMPTION FROM FILING O.T.

IA No. 3193/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES]

Date : 28-09-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

HON'BLE MR. JUSTICE MANMOHAN

For Appellant(s) : Ms. Radhika Gautam- 2287, AoR

For Respondent(s) : Ms. Aishani Mohan, Adv.

Mr. Guntur Pramod Kumar- 2788, AoR

O R D E R

Leave granted.

2. The appeal is allowed in terms of the signed order.

3. Pending application(s), if any, shall also stand
disposed of.

(KRITIKA TIWARI)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR

{signed order is placed on file}