IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CMPMO No. 727/2025
Decided on: 06.08.2026

Sheela Devi & anr. .....Petitioners

Versus

M/s Shriram General Insurance Company Ltd. ...Respondent

Coram:

The Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?[1]

For the Petitioners: Mr. Ashok Kumar Verma, Advocate.

For the Respondent: Ex-parte.

Romesh Verma, Judge (oral)

As per report of the Registry, respondent-Company stands duly served, however there is no appearance on its behalf. Therefore, the respondent-Company is proceeded against ex-parte.

2 The instant petition arises out of orders, dated 07.04.2025 and 02.07.2025, as passed by the learned Motor Accident Claims Tribunal, Kinnaur at Rampur Bushahr, H.P. Relevant portion of order dated 07.04.2025 reads as under:-

> *"After hearing Id. Counsel for the parties, I have gone through record on file. There is no averments in the objections of the insurance company that it has filed any*

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[1]Whether reporters of the local papers may be allowed to see the judgment? Yes.

High Court of H.P.

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(2026:HHC:33812)

appeal before Hon'ble High Court and any review petition before this Tribunal or an application under Section 152 CPC for removing of the clerical error. Therefore, this court has no hesitation to hold that the objections filed by the petitioner are not sustainable in the eyes of Law. Accordingly, the same are dismissed. The objections has not been registered. It be registered.

The Insurer i.e. Shriram General Insurance Company Limited is directed to deposit remaining amount of Rs. 22,154/- alongwith upto date interest within 30 days from today.

Put up on 03.05.2025."

3 Order dated 02.07.2025, as passed by the learned Tribunal, is reproduced as under:

"Sh. H.K. Sharma, Advocate has deposited cheque bearing No. 629783, amounting to Rs. 37,695/- in view of order passed by this Court on 07.04.2025.

Since the amount has been deposited in view of order dated 07.04.2025, present execution petition is duly satisfied. Accordingly same is disposed of. Be consigned to record room."

4 The facts, as emerge in the instant case, are that the petitioners/claimants had filed claim petition under Section 166 of the Motor Vehicles Act, before the learned Tribunal on 07.01.2016 for grant of compensation on account of death of their son, late Sh. Bhisham, who died in an accident on 01.09.2015.

High Court of H.P.

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(2026:HHC:33812)

5 The learned Tribunal vide its award, dated 03.11.2018 allowed the claim petition and a sum of Rs.16,08,240/- i.e. Rs.15,93,240/- on account of loss of income and Rs.15,000/- being expenditure towards funeral expenses was awarded to the petitioners along with interest @ 7.5% per annum w.e.f. 07.01.2016 i.e. date of institution of the claim petition, till the payment of the entire amount payable by the respondent-Company. Out of the aforementioned amount, 65% was ordered to be paid to petitioner No.1 being mother and remaining 35% to petitioner No.2 being father.

6 It is contended by the learned counsel for the petitioners that the respondent-Company accepted the aforesaid award and pursuant to that, the petitioners filed an application for recovery of compensation, Ext. P-2, as awarded by the learned Tribunal, reflecting therein details of amount to be recovered from the respondent.

7 To the said application, respondent filed reply, wherein contents of the application were refuted.

8 The aforesaid application, Ext. P-2 came to be partly accepted by the learned Tribunal below vide order dated 07.04.2025, whereby respondent-Company was directed to deposit remaining amount of Rs.22,154/- along with upto date interest within 30 days from the date of passing of the order.

High Court of H.P.

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(2026:HHC:33812)

9 Feeling dissatisfied, the petitioners/claimants have approached this Court by filing instant petition under article 227 of the Constitution of India.

10 It is contended by Mr. Ashok Kumar Verma, learned counsel for the petitioners that the details of the calculation have been duly spelt out in the application, especially in para 3 thereof, whereby it has been specifically submitted that apart from the principal amount, the petitioners are also entitled to interest @ 7.5%. He has further submitted that the learned Tribunal has granted only differential amount of the principal amount, whereas amount qua interest accrued on the principal amount has not been granted to the petitioners.

11 I have heard the learned counsel for the petitioners and have also gone through the records.

12 Perusal of the award, dated 03.11.2018, would go to show that the learned Tribunal, apart from granting compensation to the tune of Rs.16,08,240/-, has specifically awarded interest @ 7.5% per annum w.e.f. 07.01.2016 i.e. the date of institution of the claim petition, however the learned Tribunal while passing the impugned order, dated 07.04.2025 has not taken into consideration the calculations, which have been spelt out by the petitioners in their application, more particularly, in para 3 thereof.

High Court of H.P.

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(2026:HHC:33812)

13 This Court is in agreement with the contention as raised by the learned counsel for the petitioners that apart from differential amount of the principal amount, as granted by the learned Tribunal, the petitioners are also entitled for the payment of interest on the principal amount, as directed to be paid by the Tribunal itself, while allowing the claim petition filed by the petitioners.

14 Therefore, the instant petition is allowed and the respondent is directed to deposit entire amount of interest accrued on the principal amount @ 7.5% per annum w.e.f. 07.01.2016 i.e. the date of institution of the claim petition, before the learned Tribunal within a period of four weeks from today.

(Romesh Verma)
Judge

06th August, 2026
(pankaj)

High Court of H.P.

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