



2025:DHC:10636



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 26.11.2025

+ MAC.APP. 428/2019

MOHD. SAFFAR & ANR.

.....Appellants

Through: Mr. Navin Kumar Jha, Advocate.

versus

NETRAPAL & ORS (UNITED INDIA INSURANCE
CO LTD)

.....Respondent

Through: Mr. Sankar N. Sinha, Advocate for
Insurance Company.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

1. The appellants are the parents of one Asraf @ Babloo, who succumbed to injuries sustained in a road accident that occurred on the intervening night of 30/31.08.2014. By way of the present appeal, they seek enhancement of the compensation awarded to them by the Motor Accident Claims Tribunal ["the Tribunal"] in MACP. No. 77039/2016 titled "*Mohd. Saffar & Ors. vs. Netrapal & Ors.*", vide award dated 31.10.2018.

2. The facts of the case, as recorded in the impugned award, indicate that the deceased, aged approximately 19 years at the time, was travelling as a helper in a truck bearing registration No. HR-55P-1645 ["the first truck"]. At about 3:20 AM, the said truck collided with another truck bearing registration No. HR-38H-6491 ["the second truck"] at Hirankudna Mor, Mundka, Delhi, resulting in the deceased sustaining



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fatal injuries.

3. The appellants [claimants before the Tribunal] instituted proceedings before the Tribunal against the driver, owner and insurer of the second truck, alleging rash and negligent driving on the part of the driver.

4. By the impugned award, the Tribunal held that the drivers of both trucks involved in the accident were driving rashly and negligently. Recording a finding of composite negligence, the Tribunal observed that the appellants herein were entitled to recover compensation from either of the tortfeasors and, accordingly, fastened liability upon respondent No. 3 – United India Insurance Co. Ltd. [“the Insurance Company”], i.e. the insurer of the second truck.

5. The appellants seek enhancement of compensation on the limited ground that the Tribunal has erroneously assessed the loss of dependency by applying minimum wages prevalent in the State of Bihar, notwithstanding the deceased’s residence and employment in Delhi.

6. I have heard Mr. Navin Kumar Jha, learned counsel for the appellants, and Mr. Sankar N. Sinha, learned counsel for the Insurance Company.

7. Before the Tribunal, evidence was led by appellant No. 1, i.e. the father of the deceased [“PW-1”], to the following effect:

“5. That my deceased son Asraf @ Babloo was employed as Helper with Satkar Logistics Pvt. Ltd., Admn. Office D-193, 1st Floor, Okhla Industrial Area, Phase-I, New Delhi-110020 on its Truck bearing registration No. HR-55P-1645 and thereby he was drawing a monthly salary of Rs.9,000/- per month plus perks.”¹

¹ Emphasis supplied.



PW-1 was thereafter cross-examined by learned counsel appearing for the Insurance Company as follows:

“It is correct that my son Asraf was illiterate. It is correct that at the time of accident, I was in my native village in Bihar. It is correct that I am not an eye witness of the accident. I have three male children including the deceased Mohd. Asraf. The two male children are major and already married.

My deceased son was residing in Delhi. I do not know where he was living exactly. I do not own any house in Delhi. I do not have any document to show that my son was employed as helper. It is wrong-to suggest that my son was not employed as a helper in truck no. HR 55 P 1645. It is wrong to suggest that my son was not earning Rs. 9,000/- per month. It is wrong to suggest that I have filed an exaggerated claim.”²

8. A second witness, namely the driver of the first truck [“PW-2”], also deposed before the Tribunal, stating that he was employed as a driver with Satkar Logistics Pvt. Ltd., and that on the night of the accident, he was driving the truck in which the deceased was engaged as his helper. The cross-examination of PW-2 does not reveal any suggestion disputing the deceased’s engagement as a helper with Satkar Logistics Pvt. Ltd. on the said vehicle.

9. In the Detailed Accident Report [“DAR”] and other documents placed before the Tribunal, it stands admitted that the first truck was owned by “*Satkar Logistics Pvt. Ltd.*”, having its office in Delhi.

10. The Tribunal, however, computed the compensation by applying the minimum wages notified for the State of Bihar (Rs. 4,784/- per month), on the following reasoning:

“Income of the deceased.

24. PW1/Mohd.Saffar testified that his deceased son was employed with Satkar Logistics Pvt.Ltd. at Delhi as a Helper of truck and

² Emphasis supplied.



*earning Rs.9,000/- per month along with perks. However, no document regarding his monthly income, vocation at Delhi or educational qualification was placed on record. Hence, in absence of any documentary evidence qua his educational qualification or earning, deceased Asraf @ Babloo is considered as unskilled worker and his income is assessed as Rs.4,784/- as per Minimum Wages prevailing in Bihar at the time of accident.*³

11. Having heard learned counsel for the parties, I am of the view that the approach adopted by the Tribunal is erroneous. While the Tribunal correctly observed that the exact quantum of his salary could not be established in the absence of documentary evidence, I am of the opinion that the unrebutted oral testimony of PW-1 and PW-2 was sufficient to demonstrate that the deceased was working in Delhi. It is not in dispute that the deceased's family was from Bihar. However, the evidence was that, at the time of the accident, he was 19 years old and employed as a helper in a truck with a Delhi-based company.

12. The Tribunal was not bound by the strict rules of pleadings or evidence when assessing the place of his employment and was required to adjudicate the matter on the basis of the preponderance of probabilities⁴. Its conclusion, based on the fact that no documentary evidence was produced regarding the deceased's employment in Delhi, was in my view, erroneous. In the case of a young person employed as a helper in a truck, the insistence on documentary proof of employment in Delhi was neither necessary in law, nor viable for the purpose of assessing loss of dependency. Significantly, in the present case, the

³ Emphasis supplied.

⁴ *Mathew Alexander v. Mohd. Shafti* [(2023) 13 SCC 510] [paragraph 12]; *Rajwati v. United India Insurance Co. Ltd.* [2022 SCC OnLine SC 1699] [paragraph 20]; *Dr AKB Sadbhavana Mission School of Homeo Pharmacy v. Ministry of Ayush* [(2021) 2 SCC 539] [Paragraph 21]; and *Bimla Devi v. Himachal RTC* [(2009) 13 SCC 530] [Paragraph 11]



accident occurred while the deceased was on the truck in question, and the oral testimony of the driver (PW-2) was that he was working as the helper. To my mind, the evidence was sufficient to accept the claimants' case to the required standard of balance of probabilities.

13. Accordingly, although the Tribunal was justified in assessing loss of dependency on the basis of minimum wages applicable to an unskilled worker, such computation ought to have been made with reference to the minimum wages prevailing in Delhi at the relevant time of the accident.

14. Learned counsel for the parties submit that the minimum wages for an unskilled worker in Delhi, as applicable on the date of the accident, was Rs. 8,554/- per month.

15. Having regard to the long lapse of time, with the assistance of learned counsel, and instead of remanding the matter to the Tribunal, I have re-computed the compensation payable as follows:

S.No.	Head	Tribunal's Computation	Court's Computation
1.	Monthly income on the basis of minimum wages of an unskilled worker	Rs. 4,784/- (prevailing in Bihar)	Rs. 8,554/- (prevailing in Delhi)
2.	Addition towards future prospects [40%]	$\text{Rs. } 4,784 \times 40\% =$ Rs.1,913.6	$\text{Rs. } 8,554 \times 40\%$ $= \text{Rs. } 3,421.6$
3.	Total monthly income after addition	Rs. 6,697.6/-	Rs. 11,975.6/-
4.	Deduction on account of personal expenses [50%]	$\text{Rs. } 6,697.6/- \div 2 =$ Rs.3,348.8/-	$\text{Rs. } 11,975.6/- \div 2 =$ Rs.5,987.8/-



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5.	Annual loss of dependency	Rs. 3,348.8/- × 12 = Rs.40,185.6/-	Rs. 5,987.8/- × 12 = Rs.71,853.6/-
6.	Applicable multiplier (18)	Rs.40,185.6/- × 18 = Rs.7,23,340.8/-	Rs.71,853.6/- × 18 = Rs.12,93,364.8/-
7.	Total loss of financial dependency	Rs.7,23,400/- (Rounded of)	Rs.12,93,365/- (Rounded of)

16. As there is no other ground of challenge, the award is modified, only to the extent that the loss of financial dependency is computed at Rs. 12,93,365/- instead of Rs. 7,23,400/-, resulting in an enhancement of Rs. 5,69,965/-.

17. I am informed that the amount awarded by the impugned award has already been deposited. The balance amount, together with interest at the rate of 9% per annum, as directed by the Tribunal, shall be deposited with the Tribunal within a period of eight weeks from today.

18. The Tribunal's award had provided for disbursement to the appellants in three annual fixed deposits. As the period of three years from the date of the award has already lapsed, the balance amount shall be released to the appellants forthwith, in accordance with the apportionment directed by the Tribunal.

19. The appeal is disposed of in the above terms.

PRATEEK JALAN, J

NOVEMBER 26, 2025/SS/SD/