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

% ***Decided on: 13.11.2025***

\+ MAC.APP. 670/2025

THE NEW INDIA ASSURANCE CO. LTD .....Appellant
Through: Mr. JPN Shahi, Advocate.

versus

KUMARI PRATIMA PAL AND ORS .....Respondents
Through: Mr. Anshuman Bal, Advocate for R-1 & 2.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

CM APPL. 65160/2025 (*Exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

MAC.APP. 670/2025 & CM APPL. 65159/2025 (*stay*)

1. The appellant – New India Assurance Co. Ltd. ["the Insurance Company"] has preferred the present appeal against the award dated 30.07.2025 passed by the Motor Accidents Claims Tribunal ["the Tribunal"] in MACT No. 867/2022 titled "*Kumari Pratima Pal & Anr. v. Sachin & Ors*".

2. It appears from the order of the Tribunal, that the motor accident occurred on 01.10.2022 at about 12:05 a.m. near Wazirabad Flyover, in front of Gandhi Vihar, Outer Ring Road, Delhi. The accident resulted in the death of one Mr. Sanket Kumar @ Sanket Pal, who was travelling on

a motorcycle. According to the testimony of the eyewitness (PW-2), the motorcycle was hit by a truck bearing registration No. HR-55N-1394, which was being driven in a rash and negligent manner.

3. Upon recording a finding of rash and negligent driving on the part of the driver of the insured vehicle, the Tribunal awarded compensation of Rs.42,03,973/- alongwith interest at the rate of 9% per annum in favour of the legal heirs of the deceased, being his wife and minor daughter, as well as his mother, father, brother, and sister, holding them to be dependent upon the deceased.

4. Mr. J.P.N. Shahi, learned counsel for the appellant – Insurance Company, has urged the following two grounds in support of the present appeal:

a. That the Tribunal erred in assessing the loss of earning on the basis of the minimum wages prevalent in Delhi, despite the deceased being a resident of the State of Uttar Pradesh, and in the absence of any evidence to show that he was residing or employed in Delhi.

b. That the Tribunal erred in awarding interest at an excessive rate of 9% per annum.

5. The certified copies of the affidavit of evidence and the cross-examination of respondent No. 1 before the Tribunal have been handed over in Court and are taken on record.

6. As regards the first contention, it is noted that in the claim petition, the claimants [respondents herein] mentioned two addresses, one at Rae Bareli, Uttar Pradesh, and the other at Rajdhani Park, Nangloi, Delhi. The wife of the deceased filed an affidavit dated 05.08.2024, wherein she stated that the deceased, Mr. Sanket Kumar @ Sanket Pal, was her

husband, and that he was approximately 30 years of age at the time of the accident. She further deposed that the deceased was employed as a Field Engineer with SIP (Sai) Infra Project and was earning Rs.60,000/- per month. Alongwith her affidavit, she submitted copies of her Aadhaar Card showing the Rae Bareli address, the Aadhaar Card of her minor daughter, born on 15.01.2022, showing an address at Rajdhani Park, Nangloi, New Delhi, the birth certificate of her daughter recording the place of birth as Dr. Baba Saheb Ambedkar Hospital and Medical College, Rohini, New Delhi, and the identity card of the deceased indicating his employment with SIP (Sai) Infra Project.

7. The wife of the deceased [respondent No.1 herein] was cross-examined by the learned counsel for the Insurance Company as under:

> "*PW-1 Statement of Kumari Pratima Pal, W/o Late Sh. Sanket Kumar @ Sanket Pal, aged about 31 years, R/o Village Paho, Khiro, Lalganj, Rae Bareilly, Uttar Pradesh-229209.*
>
> *ON SA*
> *I tender my evidence by way of affidavit Ex. PW-1/A which bears my signatures at points A & B. I also rely upon the following documents:*
> *1. Photocopy of my Aadhaar Card is Ex. PW-1/1;*
> *2. Photocopy of my PAN Card is Ex. PW-1/2;*
> *3. Photocopy of Aadhaar Card of my daughter Kriyanshi is Ex. PW 1/3;*
> *4. Photocopy of Birth Certificate of my daughter Kriyanshi is Ex. PW-1/4;*
> *5. Photocopy of Driving License of my deceased husband is Ex. PW-1/5;*
> *6. Photocopy of PAN Card of my deceased husband is Ex. PW-1/6;*
> *7. Photocopy of I-Card of my deceased husband is Ex. PW-1/7; and*
> *8. Complete set of DAR is Ex. PW-1/8(colly).*
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> *XXXX by Sh. Shubham Sharma, Ld. Counsel for respondent no.3/Insurance Company.*
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> *I am 12th qualified. I am not currently employed. My father in*

law is a farmer and he also runs a milk dairy. My husband had two siblings one brother and one sister. My husband's sister is a school teacher and also runs private tuition while my husband's brother is doing a private job in Ludhiana. At the time of accident, none of the above mentioned relatives of my husband used to reside with us. My husband was a graduate, however, I can not tell the exact field of his qualification. My husband was B.A.(pass). I have produced the documents relating to the education of my husband today before the Tribunal and same is marked as Mark PW-1/D1(colly) (containing two pages) i.e. marksheet and certificate of intermediate. It is correct that I have not filed any document pertaining to graduation of my deceased husband.

My husband used to earn Rs.60,000/- per month. It is correct that I have not annexed any proof of income or salary slip to that effect. It is correct that I have not annexed any appointment letter pertaining to my husband's job, I only have one identification card issued by company. I can not say whether for the job of field engineer, a degree from Science side is required or not. It is wrong to suggest that I have inflated the salary of my late husband in order to receive and enhance compensation. It is wrong to suggest that the alleged accident was caused by vehicle bearing no. HR-55N-1394. It is wrong to suggest that I am deposing falsely."

8. In light of the foregoing evidence, the Tribunal rejected the claimants' contention that the deceased was earning Rs.60,000/- per month. Nevertheless, the Tribunal considered it appropriate to assess the monthly income of the deceased based on the minimum wages payable to a matriculate in Delhi as on the date of the accident.

9. I am of the view that the said assessment cannot be faulted, in the facts and circumstances of the present case. The Tribunal, while assessing compensation, is not bound by the strict rules of pleadings or evidence, but is required to determine just and fair compensation on the basis of the preponderance of probabilities. While the permanent address of the deceased was stated to be at Rae Bareli, an address of Delhi was also mentioned in the claim petition. The documents annexed to the claimants'

affidavit may not have established the exact quantum of salary, but they were sufficient to demonstrate that the deceased was residing in Delhi. In my view, the claimants' reliance on the birth certificate and Aadhaar Card of the deceased's minor daughter was sufficient for this purpose. In the absence of any cross-examination of the claimant regarding the place of residence or the identity of the deceased's employer, except to dispute the quantum of salary, I am of the opinion that the Tribunal's decision, to assess the monthly income of the deceased on the basis of the minimum wages payable to a matriculate in Delhi, was justified.

10. Turning to the question of interest, the grant of interest is a matter within the discretion of the Tribunal, under Section 171 of the Motor Vehicles Act, 1988. Such discretion is to be exercised having regard to all the facts and circumstances of the case. No hard and fast rules prevail in this regard. I am, therefore, of the view that the award of interest at the rate of 9% per annum cannot be said to be so excessive, as to warrant interference in appeal.

11. As no other ground has been urged in support of the appeal, the same is accordingly dismissed.

12. The pending application also stands disposed of.

13. The awarded amount, alongwith accrued interest, shall be deposited before the Executing Court within a period of four weeks from today.

PRATEEK JALAN, J

NOVEMBER 13, 2025
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