



2025:DHC:11694



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

% ***Decided on: 17.12.2025***

+ **MAC.APP. 1151/2014 & CM APPL. 20821/2014**

UTTAR PRADESH STATE ROAD TRANSPORT
CORPORATION

.....Appellant

Through: Mr. Shadab Khan, Advocate.

versus

MAHENDER SINGH & ORS.

.....Respondents

Through: Mr. N. K. Jha, Advocate.

+ **MAC.APP. 1154/2014 & CM APPL. 20876/2014**

UTTAR PRADESH STATE ROAD TRANSPORT
CORPORATION

.....Appellant

Through: Mr. Shadab Khan, Advocate.

versus

SUNITA & ORS.

.....Respondents

Through: Mr. N. K. Jha, Advocate.

+ **MAC.APP. 1156/2014 & CM APPL. 20917/2014**

UTTAR PRADESH STATE ROAD TRANSPORT
CORPORATION

.....Appellant

Through: Mr. Shadab Khan, Advocate.

versus

MANISHA & ORS.

.....Respondents

Through: Mr. N. K. Jha, Advocate.



CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

1. The appellant assails three awards of the Motor Accident Claims Tribunal ["Tribunal"] dated 01.11.2014 passed in Petitions No. 425/2010, 426/2010, and 427/2010, arising out of a fatal accident in which three persons lost their lives. The appellant - Uttar Pradesh State Road Transport Corporation [hereinafter, "UPSRTC"] was the owner of a bus bearing registration No. UP-14-AK-9171, which was involved in the accident.

A. FACTS AND IMPUGNED AWARD

2. The accident in question occurred on 08.07.2010 at about 3:30 PM. One of the victims, namely Sh. Kuldeep Singh, was driving a TVS Victor Motorcycle bearing registration No. DL-1-SN-2459. His mother - Smt. Bimlesh, and brother-in-law - Sh. Bhagat Singh were riding pillion. They were travelling towards Village Jalkhera, District Bulandshahar, Uttar Pradesh. When they reached a point near Village Bil Akbarpur in the jurisdiction of P.S. Dadri, Gautam Budh Nagar, Uttar Pradesh, the motorcycle was struck by the aforesaid bus, which was coming from the opposite direction. All three passengers of the motorcycle fell on the road, were crushed by the wheels of the bus, and died on the spot.

3. The accident resulted in institution of criminal proceedings by way of FIR No. 303/2010 dated 08.07.2010 in P.S. Dadri under Section 279, 304A, and 427 of the Indian Penal Code, 1860. The driver of the offending bus has also been chargesheeted in the criminal proceedings.



4. In all three cases, the legal representatives of the deceased filed claim petitions before the Tribunal, against UPSRTC and the bus driver. The bus driver was arrayed as a respondent before the Tribunal in all the three claim petitions, but has not been impleaded in these appeals.

5. The trials were consolidated and the Tribunal took common evidence in all the three claim petitions. However, ultimately, separate awards came to be rendered. The Tribunal found in favour of the claimants, with regard to rash and negligent driving of the offending bus, and proceeded to assess compensation in each of the three cases.

B. SUBMISSIONS OF THE PARTIES

6. I have heard Mr. Shadab Khan, learned counsel for UPSRTC, and Mr. N.K. Jha, learned counsel for the claimants in all the three cases.

7. The primary submission of Mr. Khan relates to the Tribunal's failure to reduce the compensation awarded to the claimants, on account of contributory negligence of the driver of the motorcycle. He submits that the admitted position is that the deceased were triple riding on the motorcycle, in contravention of Section 128 of the Motor Vehicles Act, 1988, which reads as follows:

"128. Safety measures for drivers and pillion riders.—(1) No driver of a two-wheeled motor cycle shall carry more than one person in addition to himself on the motor cycle and no such person shall be carried otherwise than sitting on a proper seat securely fixed to the motor cycle behind the driver's seat with appropriate safety measures.

(2) In addition to the safety measures mentioned in sub-section (1), the Central Government may, prescribe other safety measures for the drivers of two-wheeled motor cycles and pillion riders thereon."

8. Mr. Khan draws my attention to the judgments of the Karnataka



High Court in *ICICI Lombard Co. Ltd. v. M/s Harshitha. B & Anr.*¹ and of the Division Bench of the Madras High Court in *National Insurance Co. Ltd. v. Suseela & Ors.*², in which reduction on the ground of contributory negligence has been applied in cases of triple riding.

9. Mr. Khan also submits that the quantum of compensation has been erroneously computed in each of the three awards, on grounds which will be considered later in this judgment.

10. Mr. Jha submits that, although triple riding on the motorcycle in the present case is admitted, this, in itself, is insufficient to return a finding of contributory negligence. He relies upon the judgment of the Supreme Court in *Mohammed Siddique & Anr. v. National Insurance Co. Ltd. & Ors.*³ in this regard. Mr. Jha also cites a recent judgment of the Supreme Court in *Srikrishna Kanta Singh v. Oriental Insurance Company Ltd. and Ors.*⁴, on the point of contributory negligence.

11. Mr. Jha has also addressed on quantum of compensation.

C. RE: CONTRIBUTORY NEGLIGENCE

12. Like the present case, the judgment in *Mohammed Siddique* also concerns a case of triple riding on a motorcycle. The High Court had modified an award of the Tribunal, by imposing a 10% reduction in compensation awarded on account of contributory negligence. The Supreme Court reversed this view, with the following observations:

“12. But the above reason, in our view, is flawed. The fact that the deceased was riding on a motorcycle along with the driver and

¹ MFA No. 5505/2017, decided on 02.01.2024.

² 2013 SCC OnLine Mad 2810, decided on 16.09.2013.

³ (2020) 3 SCC 57, [hereinafter, “*Mohammed Siddique*”].

⁴ 2025 SCC OnLine SC 636, [hereinafter, “*Srikrishna Kanta Singh*”].



another, may not, by itself, without anything more, make him guilty of contributory negligence. At the most, it would make him guilty of being a party to the violation of the law. Section 128 of the Motor Vehicles Act, 1988, imposes a restriction on the driver of a two-wheeled motorcycle, not to carry more than one person on the motorcycle. Section 194-C, inserted by Amendment Act 32 of 2019, prescribes a penalty for violation of safety measures for motorcycle drivers and pillion riders. Therefore, the fact that a person was a pillion rider on a motorcycle along with the driver and one more person on the pillion, may be a violation of the law. But such violation by itself, without anything more, cannot lead to a finding of contributory negligence, unless it is established that his very act of riding along with two others, contributed either to the accident or to the impact of the accident upon the victim. There must either be a causal connection between the violation and the accident or a causal connection between the violation and the impact of the accident upon the victim. It may so happen at times, that the accident could have been averted or the injuries sustained could have been of a lesser degree, if there had been no violation of the law by the victim. What could otherwise have resulted in a simple injury, might have resulted in a grievous injury or even death due to the violation of the law by the victim. It is in such cases, where, but for the violation of the law, either the accident could have been averted or the impact could have been minimised, that the principle of contributory negligence could be invoked. It is not the case of the insurer that the accident itself occurred as a result of three persons riding on a motorcycle. It is not even the case of the insurer that the accident would have been averted, if three persons were not riding on the motorcycle. The fact that the motorcycle was hit by the car from behind, is admitted. Interestingly, the finding recorded by the Tribunal that the deceased was wearing a helmet and that the deceased was knocked down after the car hit the motorcycle from behind, are all not assailed. Therefore, the finding of the High Court that 2 persons on the pillion of the motorcycle, could have added to the imbalance, is nothing but presumptuous and is not based either upon pleading or upon the evidence on record. Nothing was extracted from PW 3 to the effect that 2 persons on the pillion added to the imbalance.

13. Therefore, in the absence of any evidence to show that the wrongful act on the part of the deceased victim contributed either to the accident or to the nature of the injuries sustained, the victim could not have been held guilty of contributory negligence. Hence, the reduction of 10% towards contributory negligence, is clearly



unjustified and the same has to be set aside."⁵

13. In *Srikrishna Kanta Singh* also, the Court held that contributory negligence could not be fastened, merely on the ground that the driver of the vehicle, on which the claimant was seated as a pillion rider, possessed only a learner's licence.

14. The principle that emerges from these authorities is that a mere infraction of a legal provision does not give rise to a presumption of contributory negligence. Whether an accident was caused partly by the negligence of the driver of the claimant's vehicle must be determined on the facts of each case. In the present case, the admitted triple riding would therefore not, *per se*, constitute a circumstance warranting a finding of contributory negligence; rather, the evidence must be examined to determine whether the accident was caused, at least in part, due to the negligence of the driver of the motorcycle.

15. As far as this aspect is concerned, in the claim petitions, the claimants narrated the particulars of the accident as follows:

"On the ill-fated day of 8th July, 2010 at about 3.30 P.M. the deceased was traveling as a Pillion Rider on TVS Victor Motorcycle bearing registration No.DL-1SN-2459 accompanied by her son-in-law Shri Bhagat Singh who was also traveling as a pillion rider. The said motorcycle was being driven by the son of the deceased namely Shri Kuldeep carefully at a normal speed at his correct left hand side. When it had reached near village Bil Akbarpur, PS Dadri, District Gautam Budh Nagar, U.P. in the meanwhile a U.P. Roadways bus No.UP-14AK-9171 being driven by its driver Respondent No.4 in a most rash, reckless and negligent manner; came from the opposite direction i.e. from the side of Sikandrabad and struck against the Motorcycle of the deceased in a head on manner, consequently the deceased motorcyclist, and both the pillion riders fell down on the road along with the motorcycle, sustained fatal head injuries and were crushed under the wheels of the aforesaid U.P. Roadways Bus and

⁵ Emphasis supplied.



died on the spot.”⁶

16. In its written statement, UPSRTC contested the allegation of rash and negligent driving on the part of the bus driver, as follows:

“2. That the petition against the answering respondents is without any cause of action as there was no rash or negligent driving on the part of respondent No. 4 while driving the bus bearing No. UP 14A 9171. The accident was solely caused due to rash and negligent driving on the part of the motor cyclist who was driving the motor cycle at a fast speed with two pillion riders in contravention of traffic rules, overtook a private bus and this process could not control the motor cycle on seeing the bus driven by respondent No. 4 coming from opposite direction, lost balance and hit against the bus. The respondent No.4 while driving the bus was coming from Bulundshahr to Delhi at a normal speed and on his correct side of the road and as such the petition against the answering respondents is liable to be rejected.”⁷

17. Before the Tribunal, evidence was led on behalf of the legal heirs of the deceased, as well as by an eyewitness, namely Pappu Singh @ Rakesh Kumar (PW-4). PW-4 was also the informant on the basis of whose report, the FIR was initially lodged. In his affidavit of evidence, he stated as follows:

“2. That on the ill-fated day of 8th of July, 2010 at 3:30 P.M., my relative Kuldeep Singh was driving his TVS Victor Motorcycle bearing registration No.DL-1SN-2459 being ridden by his brother-in-law (Jija) Shri Bhagat Singh and his mother Smt. Bimlesh as the pillion riders.

3. That the deceased Kuldeep Singh was driving his motorcycle at a normal speed at his correct left hand side and was going to his native village Jalkhera in District Bulandshahr, U.P. and when the deceased Kuldeep Singh had reached near village Bil Akbarpur at G.T. Road in the jurisdiction of PS Dadri, District Gautam Budh Nagar, U.P. in the meanwhile a U.P. Roadways Bus No.UP-14AK-9171 being driven by its driver in a most rash, reckless and negligent manner; came from the opposite direction i.e. from the side of Sikandrabad and struck against the motorcycle of deceased Shri Kuldeep Singh in a head on

⁶ Emphasis supplied.

⁷ Emphasis supplied.



manner, consequently the deceased motorcyclist and both the pillion riders fell down on the road along with the motorcycle, sustained fatal head injuries and were crushed under the wheels of the said offending U.P. Roadways Bus and died on the spot.

4. That the police had arrived on the place of accident in my presence and the site plan was prepared at my instance, more so, the offending bus in question was seized by the police and its driver was also arrested.”⁸

18. PW-4 was cross-examined by learned counsel for UPSRTC as follows:

“The accident in question took place on 08.07.2010 at about 3:30 P.M. The accident took place near Bil Akbarpur Village at G.T. Road, PS: Dadri. On the day of accident I was coming from the side of Sikandarabad on my motorcycle bearing registration No. UP 16 F 4826 and was going to Dadri. The motorcycle of the deceased was being driven by Sh. Kuldeep Singh and his brother-in-law Sh. Bhagat Singh and mother of Sh. Kuldeep Singh were riding on the pillion seat. The offending bus coming from the side of Sikandarabad. The deceased Kuldeep Singh along with both the pillion riders were going to their native place towards Bulandshahar. *I was going on my motorcycle around 35 yards behind the offending bus. I had seen the motorcycle being driven by the deceased before the occurrence of this accident.* The registration number of the offending bus was UP 14 AK 9171. The registration number of the motorcycle of the deceased was DL 1 SN 2459. The speed of motorcycle being driven by the deceased was around 40 kmph and the speed of offending bus was around 50-60 kmph. The accident had occurred in my presence. The driver of the offending bus did not stop it after the accident and had fled away from the site of the accident. I had noted down the number of the offending bus while it was fleeing away from the spot of the accident. The FIR in this case was registered on my statement. All the three deceased namely Sh. Kuldeep Singh, Sh. Bhagat Singh and Smt. Vimlesh had died on the spot. The police had arrived at the place of accident shortly afterward. The offending bus was seized by the police after about two or three days. The driver of the offending bus was also arrested by the police. *It is wrong to suggest that the accident had taken place as a result of the negligence on the part of motorcyclist Kuldeep Singh. It is also wrong to suggest that deceased Kuldeep Singh was driving his motorcycle in a rash and negligent manner.* It is wrong to suggest that I am deposing falsely because the deceased persons were my

⁸ Emphasis supplied.



relative and it is wrong to suggest that I did not witness the occurrence of the accident in question.”

19. The bus driver also gave evidence before the Tribunal as R4W1.

His evidence with regard to the accident was as follows:

“1. That I say that the accident in question had taken place due to rash and negligence driving on the part of Motor Cycle bearing No. DL- 1S-N-2459, who was driving the moter cycle at a fast speed with two pillion riders in contravention of traffic rules.

2. That I say that on 8.7.2010 I was driving the Bus bearing No. UP-14-AK-9171 at a normal speed and proper lefthand side coming from Bulandshahr and going to Delhi and when the Bus reached near village Bil Akbarpur, P.S. Dadri, distt. Gautam Budh Nagar (U.P.) mean while a motor cycle bearing No. DL-1S-N-2459, alongwith two pillion rider who came from the opposite direction in a most rash and negligence manner at a fast speed against the bus.

3. That the accident was caused on account of rash and negligence driving on the part of driver of the motor cycle.

xxx

xxx

xxx

5. That I say that the accident has been occurred due to the negligence of driver of Motor cycle and I am falsely implicated and have no fault.”⁹

20. In the cross examination of R4W1 by learned counsel for the claimants, the emphasis was on the criminal proceedings, and the narrative with regard to the accident was not challenged.

21. Alongwith the Trial Court record, a site plan is also available. Although it is not very clear, it is reproduced below:

⁹ Emphasis supplied.



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22. The question is whether, on the basis of the above evidence, UPSRTC has made out a case of contributory negligence against the deceased driver of the motorcycle.

23. The undisputed evidence is that the motorcycle was travelling from the direction of Ghaziabad, whereas the offending bus was coming from the direction of Sikandrabad. The path of the motorcycle, travelling from West to East, depicted by a single arrow in the site plan, shows that the motorcycle was on the left side of the road. In contrast, the bus, which was travelling in the opposite direction, depicted by a double arrow, appears to have veered from its side of the road to the opposite side, and collided with the motorcycle.

24. This is also consistent with the testimony of PW-4, who stated that he was following on his own motorcycle from the direction of Sikandrabad, behind the offending bus. In the cross-examination of PW-4, there was no suggestion that the accident had taken place *as a result of* triple riding by the victims, although there was a general suggestion that it was a result of negligence on the part of the motorcycle driver.

25. The evidence of PW-4 is sought to be impeached by Mr. Khan on the ground that he was a relative of the deceased, as stated by him in paragraph 2 of his affidavit of evidence. In view of the evidence with regard to the factual position, as stated above, I do not find this to be a compelling circumstance so as to disbelieve his evidence.

26. Turning now to the evidence of the bus driver-R4W1, his evidence clearly attributed negligence to the driver of the motorcycle, and referred to the fact that driving “*with two pillion riders*” is in contravention of traffic rules. The bus driver did levy an allegation of rash and negligent



driving on the part of the motorcyclist, but his evidence does not indicate that triple riding contributed to the accident in any manner.

27. It may be noted that the same accident has resulted in an FIR being lodged and chargesheet being filed against the bus driver. This fact itself, in the absence of compelling evidence to the contrary, is sufficient to hold the bus driver to be negligent, as held by the Supreme Court in *Ranjeet v. Abdul Kayam Neb*¹⁰, and in *ICICI Lombard General Insurance Company Ltd. v. Rajani Sahoo and Ors*¹¹.

28. Having regard to the judgment of the Supreme Court in *Mohammed Siddique*, therefore, I do not find any causal connection between triple riding and the accident in question. Consequently, there is no reason to interfere with the Tribunal's analysis on this aspect.

D. QUANTUM OF COMPENSATION

I. Compensation on account of death of Smt. Bimlesh:

(a) Loss of Dependency

29. With regard to the quantum of compensation, insofar as the legal heirs of Smt. Bimlesh are concerned, Mr. Khan submits that the Tribunal has erroneously computed the loss of dependency on the basis that the deceased was a resident of Delhi.

30. Having accepted the uncontroverted evidence that she was a housewife, aged 45 years at the time of the accident, the Tribunal assessed the loss of dependency on the basis of minimum wages applicable to a semi-skilled worker. The controversy, however, is whether

¹⁰ 2025 SCC OnLine SC 497.

¹¹ (2025) 2 SCC 599.



the minimum wages applicable in Delhi ought to have been applied, or those prevailing in the State of Uttar Pradesh.

31. The evidence on this aspect is unfortunately sparse. In both the claim petition and the affidavit of evidence, the husband of the deceased, Mr. Mahender Singh, stated two addresses, namely, that he was presently residing at H. No. 166-J, Nathu Colony, Nathupura, Burari, Delhi-110084, and that his permanent residence was at H. No. 246, Village and Post Office Jalkhera, Tehsil and District Bulandshahar, Uttar Pradesh. It may be noted that evidence (which was taken in all three claims in common), was also led by PW-1, Smt. Sunita, wife of Kuldeep Singh, the son of the deceased, who also died in the accident. She too stated the same two addresses and exhibited the voter identity card of Kuldeep Singh [Ex. PW-3/4], which reflects the Delhi address. In contrast, the voter identity card and ration card of Mr. Mahender Singh reflect an address in Bulandshahar, Uttar Pradesh. The post-mortem report of the deceased also records the Bulandshahar address.

32. It is a settled principle that, in cases arising from motor accident claims, the Court is not bound by strict rules of pleadings and evidence, but must award just and reasonable compensation, on the basis of an assessment made on the balance of probabilities. In the present case, the statement of the husband of the deceased regarding his present residence in Delhi was not challenged in cross-examination, nor was the address of the deceased's son as reflected in his election card. Considering the balance of probabilities, the fact that the husband maintained his permanent address in his election card and ration card does not, in my view, warrant interference with the finding of the Tribunal on this aspect.



33. There is no dispute that, if the minimum wages of Delhi are taken into account, the quantum of Rs. 5,850/- per month has been appropriately adopted by the Tribunal, as has the multiplier of 14. However, the aspects of future prospects and deduction towards personal expenses require modification.

34. The Tribunal has not applied any deduction for personal expenses of the deceased, contrary to the judgments in *Sarla Verma v. DTC*¹², *Reshma Kumari v. Madan Mohan*¹³, and *National Insurance Co. Ltd. v. Pranay Sethi*¹⁴. The applicable deduction is correlated with the number of dependents of the deceased. The Tribunal found the deceased to have three dependents, namely her husband, one major unmarried daughter, and a minor son. Although two married daughters of the deceased were also claimants before the Tribunal, they were not regarded as dependents of the deceased. This analysis, however, neither accounts for the married daughters, nor for the son of the deceased who died in the same accident. The status of married daughters as dependents has already been settled by this Court in *Ram Charan & Ors. v. The New India Assurance Co. Ltd. & Ors.*¹⁵, and more recently in *Jagdish & Ors. v. Om Pal Singh & Ors.*¹⁶, wherein this Court has held that married daughters are also entitled for compensation under the head of “loss of dependency”. On a proper analysis, therefore, the deceased had four or more dependents, and a deduction of 1/4th towards personal expenses would therefore be appropriate in the present case.

¹² (2009) 6 SCC 121, paragraph 30, [hereinafter, “*Sarla Verma*”].

¹³ (2013) 9 SCC 65, paragraphs 42 and 43.6, [hereinafter, “*Reshma Kumari*”].

¹⁴ (2017) 16 SCC 680, [hereinafter, “*Pranay Sethi*”].

¹⁵ MAC.APP. 433/2013; decided on 18.10.2022.



35. The Tribunal has also failed to grant adequate enhancement on account of future prospects. Having regard to the age of the deceased, in terms of paragraph 59.4 of *Pranay Sethi*, the applicable future prospects ought to be enhanced from 15% to 25%.

36. Thus, applying the above modifications, the loss of dependency is computed as follows:

S. No.	Heads	Amount
1	Monthly income of the deceased [A]	Rs. 5,850
2	Future prospects [B]	25%
3	Monthly income of the deceased (including future prospects) [A+B = C]	Rs. 7,312.50/-
4	Personal expenses [D]	1/4 th
5	Monthly loss of dependency [C – D = E]	Rs.5,484.375/-
6	Annual loss of dependency [E x 12 = F]	Rs. 65,812.50/-
7	Multiplier [G]	14
Total loss of dependency [F x G]		Rs. 9,21,375/-

(b) Non-Pecuniary Damages

37. With regard to non-pecuniary heads of damages, in accordance with *Pranay Sethi*, learned counsel for the parties agree that funeral expenses and loss of estate must be awarded at Rs. 15,000/- each, and that compensation towards love and affection must be deleted, as it is subsumed under the head of loss of consortium. Accordingly, the award

¹⁶ MAC.APP. 279/2019; decided on 10.12.2024.



of Rs. 1,00,000/- towards loss of love and affection is set aside in view of paragraphs 34 and 35 of the judgment in *United India Insurance Company Ltd. v. Satinder Kaur & Ors.*¹⁷

38. The Tribunal's award on loss of consortium, however, requires to be enhanced. As noted above, the deceased was survived by her husband and four children. They are all entitled to loss of consortium in accordance with the judgments in *Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Ors.*¹⁸, and *Satinder Kaur*, wherein three aspects of consortium have been identified - spousal consortium, parental consortium, and filial consortium - payable respectively to the spouse, children, and parents of the deceased. The subsequent decision of the Supreme Court in *National India Assurance Company Limited v. Somwati*¹⁹, has reiterated this position and affirmed that each eligible claimant is entitled to a separate and independent award under the head of loss of consortium. The award on this account is, therefore, enhanced to Rs.2,00,000/-.

(c) Total Compensation

39. As a result of the forgoing discussion, the impugned award is modified to the following extent:

Heads of compensation	Awarded by Tribunal	Awarded by this Court	Difference
Loss of dependency	Rs. 11,30,220/-	Rs. 9,21,375/-	(-) Rs. 2,08,845/-
Loss of	Rs. 1,00,000/-	Rs. 2,00,000/-	(+) Rs. 1,00,000/-

¹⁷ (2021) 11 SCC 780, [hereinafter, "*Satinder Kaur*"].

¹⁸ (2018) 18 SCC 130.

¹⁹ (2020) 9 SCC 644.



consortium			
Loss of love and affection	Rs. 1,00,000/-	Deleted	(-) Rs. 1,00,000/-
Loss of estate	Nil	Rs. 15,000/-	(+) Rs. 15,000/-
Funeral expenses	Rs. 25,000/-	Rs. 15,000/-	(-) Rs. 10,000/-
Total	Rs. 13,55,220/-	Rs. 11,51,375/-	(-) Rs. 2,03,845/-

40. In sum, therefore, the impugned award is reduced by a sum of Rs. 2,03,845/-, from Rs. 13,55,220/- to Rs. 11,51,375/-. The entire award will carry interest at the rate of 9% per annum, as awarded by the Tribunal.

II. COMPENSATION ON ACCOUNT OF DEATH OF MR. KULDEEP SINGH:

(a) Loss of Dependency

41. Turning to the case of the deceased driver of the motorcycle, there is no challenge in the appeal, as to the income of the deceased assessed by the Tribunal, on the basis of minimum wages of an unskilled labourer in Delhi at the relevant time, being Rs. 5,278/- per month. The challenge is confined to the addition made towards future prospects, inasmuch as, while computing the loss of dependency, the Tribunal applied future prospects at the rate of 50%. Mr. Shadab Khan submits that this addition is erroneous and contrary to paragraph 59.4 of the judgment in *Pranay Sethi*, which prescribes an enhancement of only 40% for a person under 40 years of age, who does not have a permanent job. The said provision would be applicable to the present case as well.

42. Applying the deductions of 1/3rd for personal expenses and multiplier of 18, as awarded by the Tribunal (having regard to the age of



the deceased, who was 23 years at the time of the accident), and accepted on both sides, the loss of dependency is modified to the following extent:

S. No.	Heads	Amount
1	Monthly income of the deceased [A]	Rs. 5,278/-
2	Future prospects [B]	40%
3	Monthly income of the deceased (including future prospects) [A+B = C]	Rs. 7,389.20/-
4	Personal expenses [D]	1/3 rd
5	Monthly loss of dependency [C – D = E]	Rs. 4926.13/
6	Annual loss of dependency [E x 12 = F]	Rs. 59,113.56/-
7	Multiplier [G]	18
Total loss of dependency [F x G]		Rs. 10,64,045/-

(b) Non-Pecuniary Damages

43. The Tribunal awarded non-pecuniary damages under the heads of loss of love and affection [Rs. 1,00,000], funeral expenses [Rs.25,000], and loss of estate [Rs. 10,000]. However, *Pranay Sethi* recognises and quantifies non-pecuniary damages in cases of fatal injuries under the heads of funeral expenses, loss of consortium, and loss of estate at Rs.15,000/-, Rs.40,000/-, and Rs.15,000/-, respectively.

44. In view of the discussion on loss of consortium above, compensation on this account is payable to the deceased's wife, father, and minor son. The award for loss of consortium is, accordingly, enhanced to Rs. 1,20,000/-.



45. Loss of love and affection does not constitute a separate head of non-pecuniary damages, as it is subsumed under the head of loss of consortium, as held in *Satinder Kaur*.

46. The non-pecuniary damages are, accordingly, modified, with loss of consortium adjusted to Rs. 1,20,000/-, and funeral expenses and loss of estate each quantified at Rs. 15,000/-.

(c) Total Compensation

47. As a result of the forgoing discussion, the impugned award is modified to the following extent:

Heads of compensation	Awarded by Tribunal	Awarded by this Court	Difference
Loss of dependency	Rs. 11,40,048/-	Rs. 10,64,045/-	(-) Rs. 76,003/-
Loss of consortium	Rs. 1,00,000/-	Rs. 1,20,000/-	(+) Rs. 20,000/-
Loss of love and affection	Rs. 1,00,000/-	Nil	(-) Rs. 1,00,000/-
Loss of estate	Rs. 10,000/-	Rs. 15,000/-	(+) Rs. 5,000/-
Funeral expenses	Rs. 25,000/-	Rs. 15,000/-	(-) Rs. 10,000/-
Total	Rs.13,75,048/-	Rs. 12,14,045/-	(-) Rs. 1,61,003/-

48. In sum, therefore, the impugned award is reduced by a sum Rs. 1,61,003/-, from Rs.13,75,048/- to Rs. 12,14,045/-. The entire award will carry interest at the rate of 9% per annum, as awarded by the Tribunal.



III. COMPENSATION ON ACCOUNT OF DEATH OF MR. BHAGAT SINGH:

(a) Loss of Dependency

49. Turning now to the case of the other pillion rider, Mr. Bhagat Singh, the appellant seeks modification of the compensation granted towards loss of dependency on the following two grounds:

- a) The Tribunal erroneously applied a multiplier of 17, whereas the appropriate multiplier having regard to the age of the deceased ought to have been 16.
- b) The Tribunal erred in awarding 50% towards future prospects to the income of the deceased.

50. The wife of the deceased, Smt. Manisha [PW-2] deposed before the Tribunal that her husband was a matriculate and was running a grocery shop, earning approximately Rs. 7,500/- per month. She placed on record and proved the secondary school certificate of the deceased [Ex. PW 1/5]. In the absence of any documentary proof to substantiate his income or employment, the Tribunal assessed the income of the deceased on the basis of minimum wages applicable to a matriculate, i.e., Rs. 6,448/- per month.

51. Coming to the question of future prospects, the Tribunal erred in applying an addition of 50% in the case of a self-employed person below 40 years of age. In terms of paragraph 59.4 of *Pranay Sethi*, the permissible enhancement in such cases is restricted to 40%. It is agreed by learned counsel on both sides that future prospects should be recomputed at 40%.

52. The next ground of challenge relates to the selection of the multiplier. The Tribunal applied a multiplier of 17 on the basis of the



Secondary School Certificate of the deceased, Bhagat Singh, placed on record by the claimants as Ex. PW-1/5, which establishes that he was aged 30 years and 3 months at the time of the accident. No contrary evidence was produced by UPSRTC to dispute his age. Having regard to the age of the deceased, which was short of 31 years of age, the applicable multiplier was correctly taken as 17. The deceased falls within the 26–30 years age bracket. This is in terms of the selection of multipliers, as laid down by the Supreme Court in *Sarla Verma*, and reiterated in several later judgments, including by the Constitution Bench in *Pranay Sethi*. For a person who had not yet completed 31 years of age, the multiplier would not be 16, as contended by UPSRTC, by placing him in the 31–35 years bracket. No interference is therefore warranted on this count.

53. Applying the deductions of $1/4^{\text{th}}$ for personal expenses and multiplier of 17, the loss of dependency is computed as follows:

S. No.	Heads	Amount
1	Monthly income of the deceased [A]	Rs. 6,448/-
2	Future prospects [B]	40%
3	Monthly income of the deceased (including future prospects) [A+B = C]	Rs. 9,027.20/-
4	Personal expenses [D]	$1/4^{\text{th}}$
5	Monthly loss of dependency [C – D = E]	Rs. 6,770.40/-
6	Annual loss of dependency [E x 12 = F]	Rs. 81,244.80/-
7	Multiplier [G]	17
Total loss of dependency [F x G]		Rs. 13,81,162/-.



(b) Non-Pecuniary Damages

54. The Tribunal has awarded non-pecuniary damages under the heads of loss of love and affection [Rs. 1,00,000/-], funeral expenses [Rs. 25,000/-], and loss of estate [Rs. 10,000/-]. Such computation is inconsistent with *Pranay Sethi*, which prescribes fixed amounts in cases of fatal accidents, namely Rs. 15,000/- each towards funeral expenses and loss of estate, and Rs. 40,000/- towards loss of consortium.

55. In view of the discussion on loss of consortium above, compensation on this account is payable to the deceased's wife, parents, and three sons. The award for loss of consortium is, accordingly, enhanced to Rs. 2,40,000/-.

56. The loss of love and affection does not constitute a separate head of non-pecuniary damages, as it is subsumed under the head of loss of consortium, as held in *Satinder Kaur*.

57. The non-pecuniary damages are, accordingly, modified, with loss of consortium adjusted to Rs. 2,40,000/-, and funeral expenses and loss of estate each quantified at Rs. 15,000/-.

(c) Total Compensation

58. As a result of the above discussion, the award of the Tribunal is modified to the following extent:

Heads of compensation	Awarded by Tribunal	Awarded by this Court	Difference
Loss of dependency	Rs. 14,79,816/-	Rs. 13,81,162/-	(-) Rs. 98,654/-
Loss of consortium	Rs. 1,00,000/-	Rs. 2,40,000/-	(+) Rs. 1,40,000/-



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Loss of love and affection	Rs. 1,00,000/-	Deleted	(-) Rs. 1,00,000/-
Loss of estate	Rs. 10,000/-	Rs. 15,000/-	(+) Rs. 5,000/-
Funeral expenses	Rs. 25,000/-	Rs. 15,000/-	(-) Rs. 10,000/-
Total	Rs. 17,14,816/-	Rs. 16,51,162/-	(-) Rs. 63,654

59. In sum, therefore, the impugned award is reduced by a sum of Rs. 63,654, from Rs. 17,14,816/- to Rs. 16,51,162/-. The entire award will carry interest at the rate of 9% per annum, as awarded by the Tribunal.

E. CONCLUSION:

60. For the reasons aforesaid, the impugned awards are modified as follows:

S.No.	MAC.APP.	Awarded by the Tribunal	Awarded by this Court	Reduction
1.	MAC. APP. 1151/2014	Rs. 13,55,220/-	Rs. 11,51,375/-	Rs. 2,03,845/-
2.	MAC. APP. 1154/2014	Rs. 13,75,048/-	Rs. 12,14,045/-	Rs. 1,61,003/-
3.	MAC. APP. 1156/2014	Rs. 17,14,816/-	Rs. 16,51,162/-	Rs. 63,654/-

61. The amounts awarded by the Tribunal, in each of the three cases, were deposited in this Court pursuant to orders dated 19.12.2014. In terms of the directions of this Court, 50% of the awarded amount in each case, has already been released. The apportionment between the claimants *inter se*, having been duly considered by the Tribunal, the same proportions shall be maintained. In MAC.APP. 1151/2014, relating to the



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death of Smt. Bimlesh, however, the awarded amount for loss of consortium shall be disbursed to each of the entitled claimants.

62. Consequently, the balance amounts lying in Court will be dealt with as follows:

- (a) In MAC. APP. 1151/2014, the amount of Rs. 2,03,845/-, alongwith proportionate accrued interest, will be released to the Appellant-Corporation.
- (b) In MAC. APP. 1154/2014, the amount of Rs. 1,61,003/-, alongwith proportionate accrued interest, will be released to the Appellant-Corporation.
- (c) In MAC. APP. 1156/2014, the amount of Rs. 63,654/-, alongwith proportionate accrued interest, will be released to the Appellant-Corporation.
- (d) Considering that the accident occurred more than 15 years ago, the balance amounts in all three cases, alongwith accrued interest, will be released to the claimants therein forthwith, in the same proportions as directed by the Tribunal.

63. The appeals are disposed of with these directions. The respective pending applications also stand disposed of.

64. The statutory deposit, if any, be refunded to the Appellant-Corporation.

PRATEEK JALAN, J

DECEMBER 17, 2025

SS/DY/PV/Jishnu/