



2026:DHC:1894



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

% *Date of decision: 27th February 2026*

(49)

+ **MAC.APP. 286/2016**

MEERUT CITY TRANSPORT SERVICE LIMITEDAppellant

Through: Mr. Shadab Khan, Advocate.

versus

NEERAJ VERMA & ORSRespondents

Through: Mr. Jatinder Kamra, Advocate
(through VC)

(50)

+ **MAC.APP. 300/2016**

MEERUT CITY TRANSPORT SERVICE LIMITEDAppellant

Through: Mr. Shadab Khan, Advocate.

versus

YOGESH VERMA & ANRRespondents

Through: Mr. Jatinder Kamra, Advocate
(through VC)

(51)

+ **MAC.APP. 1/2019**

NEERAJ VERMA & ORSAppellants

Through: Mr. Jatinder Kamra, Advocate
(through VC)

versus

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MEERUT CITY TRANSPORT SERVICE LTDRespondent

Through: Mr. Shadab Khan, Advocate for
R1.

(52)

+

MAC.APP. 7/2019

YOGESH VERMA & ANR

.....Appellants

Through: Mr. Jatinder Kamra, Advocate
(through VC)

versus

MEERUT CITY TRANSPORT SERVICES LTDRespondent

Through: Mr. Shadab Khan, Advocate for
R1.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. MAC.APP. 286/2016 and MAC.APP. 300/2016 have been filed assailing the final judgment and award dated 27th February 2016 passed by the Motor Accident Claims Tribunal, Shahdara, Karkardooma Courts, Delhi (***MACT***) in MACT No.31/2014. The cross appeals, being MAC.APP. 1/2019 and MAC.APP. 7/2019, have been filed by the Legal Representatives (***LRs***) of the deceased.

2. The accident occurred on 20th November 2013 at about 08:00 P.M. *Smt. Meenu Verma (deceased)* and *Smt. Madhu Verma (deceased)* suffered fatal injuries while they were crossing the road towards the

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petrol pump on Delhi-Meerut Highway, across from the carriageway where their car was parked. As per the evidence on record, they were crossing the road in order to attend nature's call at the petrol pump, while their husbands, the claimants herein i.e. *Neeraj Verma* and *Yogesh Verma* were waiting in the car.

3. While crossing the road, a bus bearing registration no.UP-15AT-5682 came at a high speed and in a rash and negligent manner and crushed both the ladies. FIR No.504/2013 was registered at *PS Partapur, Meerut, U.P.* and claim petition was filed.

4. The owner of offending vehicle i.e. *Meerut City Transport Services Ltd.* represented by *Mr. Shadab Khan*, Advocate, has challenged the award on the ground that both deceased were completely negligent or, in the alternative, at least contributory negligence ought to be attributed to both them, considering that they were crossing the highway at 08:00 P.M. at night and were not crossing road *via* the zebra crossing or through a designated area on the highway.

5. *Mr. Jatinder Kamra*, counsel for claimants, resists this contention by stating that the evidence on record would show that they were crossing the road *via* the zebra crossing and through an allocated cut on the divider, going to answer nature's call and the bus driver did not slow down or stop the bus upon seeing the two deceased crossing the road. Moreover, the bus driver attempted to run away but was apprehended and thereafter FIR was registered, charge-sheet was filed and criminal proceedings were initiated.



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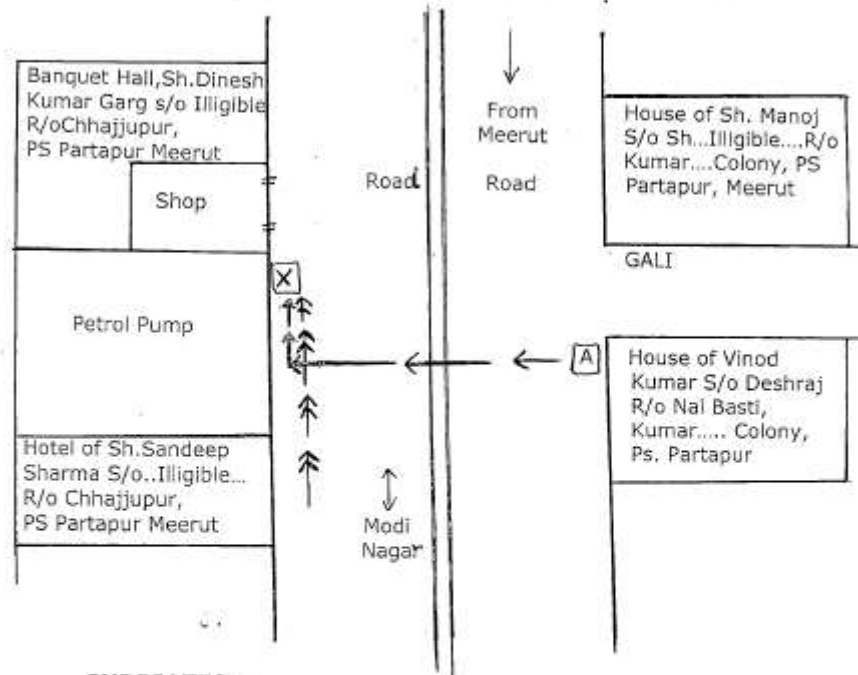
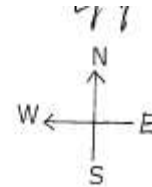
6. The only claim made in the cross appeal relates to grant of 40% future prospects in line with principles enunciated in *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680, considering that *Smt. Meenu Verma* and *Smt. Madhu Verma* were 34 and 28 years of age respectively.

7. *Mr. Shadab Khan* draws attention to the site plan to contend that there was no reason why the deceased should cross over the other side of the road at 08:00 P.M. in the night, when naturally the bus driver could not have spotted them to take precautions in advance.

8. *Mr. Kamra*, on the other hand referring to the site plan, states that deceased had already crossed the road and they were almost next to the petrol pump and were walking along the petrol pump when the collision occurred with the bus. The bus driver ought to have slowed down to save them. The site plan is extracted as under:



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SITE PLAN IN CRIME NO. 935/13UNDER SECTION 279/338/304-A IPCPOLICE STATION- PARTAPUR, MEERUT**INDICATES:-**

1. Mark "A" place shows, where the Vehicle of Complainant was standing, **AS STATED.**
2. Mark --> shows, the deceased were going to Bathroom, **AS STATED.**
3. Mark --> shows, the driver was driving the vehicle at high speed, **AS STATED.**
4. Mark "X" place, where the driver hit, **AS STATED.**

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Analysis

9. Perusing the site plan, it does seem that that *Mr. Kamra's* submission is tenable, considering that the movement of the two deceased, as per the arrows in the site plan would show that the deceased

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had crossed the road and that they were walking along the petrol pump when the bus, moving almost parallel, managed to crash into both deceased at point 'X'. Further, it is submitted by *Mr. Kamra* that this was a populated area, where there was a hotel and marriage hall adjacent to the said petrol pump, making it incumbent upon the bus driver to be careful and slow down, considering that there could be chances of pedestrians crossing or persons using the road abutting these particular properties.

10. *Mr. Shadab Khan* referred to the testimony of **R1W1/Amit Kumar**, who is the driver of the offending vehicle. He states that he was taking all major precautions and driving in normal speed and when the bus reached the petrol pump. Suddenly two women crossed the road in a negligent manner without taking care of the side traffic while there was a divider and no pedestrians were supposed to cross the road and other vehicles were also running on the road. The driver tried to save the women and passengers, however, they hit the bus and lost their consciousness.

11. In the cross-examination of the driver as **R1W1**, there is only a suggestion put to **R1W1** that the accident had taken place due to driver's negligence, which he denied. There is nothing, however, which the Court can glean from his testimony.

12. However, the testimony of two husbands is to be considered, since they were practically eyewitnesses.

13. *Mr. Neeraj Kumar Verma (PW1)*, husband of *Smt. Meenu Verma* stated that the ladies were crossing from a designated cut on the road



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when suddenly a speeding bus driver in high speed crushed both of them. The driver did not bother to stop the bus even after crushing two people under its wheel. The police party patrolling near the petrol pump provided a helping hand and caught hold of the erring bus. He stated that due to high-speed driving and non-adherence of traffic rules to slow down near public utilities, the driver of the offending bus was guilty of negligence.

14. Cross-examination of **PW1** did not elicit anything in addition to what had been stated. However, he stated that there was a road divider at the spot of accident and that the deceased were crossing the road going on the opposite side to attend nature's call. He stated that there was a zebra crossing from where the deceased were crossing the road and the site plan had not been prepared in his presence. He denied the suggestion that there was no zebra crossing at the spot from where the road was being crossed.

15. Considering that part of the testimony is that there was a zebra crossing and that the deceased were not loitering on the road but going to attend nature's call at the petrol pump where such facilities are available, *per se* the Court does not see any wrong act having been committed by both the deceased. It is presumed that they took full care while crossing the road since that is the basic instinct of survival of any human being.

16. Moreover, they had crossed over and were going along the petrol pump when the bus collided with them and they received fatal injuries. The MACT in its award dated 27th February 2016 deals with this issue in



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paragraph 12 & 13. It notes that the bus was in high speed and could have stopped well in time once having seen the deceased. The testimony of **PW1** is in consonance with the version given to the police and there were two eye-witnesses. *Mr. Yogesh Verma*, husband of *Smt. Madhu Verma* also gave a similar testimony regards the accident.

17. Moreover, the FIR No.504/2013 at P.S. Partapur was registered and the possession of bus in question was taken and mechanically examined. It is stated by *Mr. Kamra* that the FIR has resulted in a charge-sheet.

18. In these circumstances, the Court is not inclined to allow the appeal of the owner of bus in that there is contributory negligence on the part of the deceased and no negligence on the part of the driver. Therefore, the reasoning of the MACT is sustained.

MAC.APP. 286/2016 & MAC.APP. 1/2019

19. As far as late *Smt. Meenu Verma* is concerned, she was aged 34 years on the date of the accident.

20. *Mr. Shadab Khan*, counsel for registered owner, has raised an issue that deceased was not an earning member, since the testimony of **PW1/Sh. Neeraj Verma**, husband of late *Smt. Meenu Verma*, would bear out in the cross-examination that there was no documentary proof as to the earning of the deceased of *Rs.16,500/-* and *Rs.10,000/-* earnings from the tuitions, as was mentioned in the affidavit.

21. *Mr. Kamra*, counsel for claimant, points out to the testimony given in the affidavit where *Sh. Neeraj Verma* has stated that the deceased was



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working as salaried employee at *M/s Perfect Marketing* at the time of the accident and was additionally earning money from tuitions.

22. He further stated that she was highly qualified as an M.A. and was computer literate. The educational and merit certificates were exhibited as **Ex.PW1/3 colly**.

23. *Mr. Kamra*, counsel pointed out to the Income Tax Returns (*'ITRs'*), which were produced and proved by **PW2**, the Inspector from Income Tax Office. **PW2** brought the ITRs for Assessment Years 2011-2012 till 2014-2015. Considering the accident had taken place on 20th November 2013, clearly the ITRs for the Assessment Year 2014-2015 were filed later after the death of *Smt. Meenu Verma* by the husband, which is permitted in law.

24. The MACT, therefore, took the income on the basis of the ITRs for Assessment Year 2013-2014, which according to this Court was the correct step.

25. Moreover, as regards the income from tuition, in the absence of specific documentary proof, although **PW-5**, a parent of children studying at *Springfield Public School*, Shalimar Garden, deposed that they were receiving tuition from *Smt. Meenu Verma*, the income was assessed solely on the basis of the ITR, which is an authoritative document.

26. Accordingly, the pleas raised by counsel for owner cannot be sustained.

27. The MACT award is upheld, except to the extent of interest being



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awarded at 12%, which is on the higher side.

28. Interest awarded by MACT is usually in the range of 6% to 9%. Reliance can be placed on the judgment of ***Kaushnuma Begum (Smt) & Ors. V New India Assurance Co. Ltd. & Ors.*** (2001) 2 SCC 9, wherein relying on the power of the Tribunal under Section 171 of MV Act to grant simple interest on compensation from the date of filing the claim, Supreme Court noted that interest rates on fixed deposits given by nationalized banks are to be used for granting interest. In this case, the interest at 9% is reasonable, considering the long-term fixed deposit interest rates offered by nationalized banks for the year 2013 *i.e.* the date of filing the claim, was about 9%.

29. *Mr. Kamra*, counsel, further submits that no *future prospects* were granted on the income assessed at Rs. 2,98,752/- after deduction of personal expenses, with reference to the MACT Award.

30. To align the compensation with the principles enunciated in ***Pranay Sethi (supra)***, and considering that the deceased was 34 years of age on the date of accident and was employed in a private capacity, future prospects at 40% are awarded.

31. In view of the principles laid down in ***United India Insurance Co. Ltd. v. Satinder Kaur***, (2021) 11 SCC 780, compensation under the head of *loss of love and affection* shall be Nil, as the same is subsumed within *loss of consortium*. Compensation towards *loss of consortium* is awarded at Rs. 40,000/- each to four claimants (husband, two children, and mother), totaling Rs. 1,60,000/-. Further, Rs. 15,000/- is awarded towards



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loss of estate and Rs. 15,000/- towards funeral expenses.

32. The revised compensation in respect of late *Smt. Meenu Verma* is as under:

S.no.	Heads of Compensation	Awarded by the Tribunal	Awarded by this Court
1.	Annual Income (A)	Rs. 2,98,752/-	Rs. 2,98,752/-
2.	Future Prospects @40% (B)	Nil	Rs. 1,19,501/-
3.	Less Personal expenses of the deceased (C) 1/3 rd	Rs. 99,584/-	Rs. 1,36,418/-
4.	Annual Loss of Dependency (A+B-C=D)	Rs. 1,99,168/-	Rs. 2,81,835/-
5.	Multiplier (F)	16	16
6.	Total loss of dependency (E x F = G)	Rs. 31,86,688/-	Rs. 45,09,360/-
7.	Compensation for loss of consortium (I)	Rs. 50,000/-	Rs. 1,60,000/- (Rs.40,000x4)
8.	Compensation for loss of love and affection (J)	Rs. 1,00,000/-	Nil
9.	Compensation for loss of estate (K)	Rs. 50,000/-	Rs. 15,000/-
10.	Compensation towards funeral expenses (L)	Rs.25,000/-	Rs. 15,000/-
11.	Total compensation (G+H+I+J+K+L = M)	Rs. 34,11,688/-	Rs.46,99,360/-
12.	Rate of Interest Awarded	12%	9%

MAC.APP. 300/2016 & MAC.APP. 300/2016

33. As regards late *Smt. Madhu Verma*, *Mr. Shadab Khan*, counsel for

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appellant, raises an issue regarding calculation of benchmark income of the deceased. The deceased was working as a guest teacher of TGT English with *Sarvodaya Kanya Vidhyalaya, Khajoori Khas*, in respect of which there was evidence of not only **PW1**, the husband, *Sh. Yogesh Verma*, but also of **PW3**, *Smt. Promila Rani*, Vice-Principal, Government, *Sarvodaya Vidhyalaya*. **PW3** in testimony stated that deceased was getting an honorarium of *Rs.700/-* per day, payable according to the notification of Government of National Capital Territory of India, Directorate of Education dated 30th August 2013.

34. On this basis, the MACT took a calculation of 23 working days of potential earning at *Rs.700/-* per day working out to *Rs.16,100/-* per month as a guest teacher.

35. As regards the additional income that she was earning from tuitions, the testimony of **PW4/Kailash Chand**, whose four children used to be tutored by the deceased, it was clear from the testimony that *Rs.1,000/-* per child was being paid and, therefore, an additional income of *Rs.4,000/-* was clearly being received at the time of the accident by the deceased.

36. Accounting for potentiality of earning, the MACT took *Rs.7,000/-* per month, considering this was a variable income, which could have involved more children taking private tuitions. A total income of *Rs.23,100/-* was considered and on the basis of which the loss of dependency was worked out.

37. *Mr. Kamra*, counsel points out to the experience certificate



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available on the record of the Court, which also bears out that she was engaged as guest teacher on other occasions as well.

38. *Mr. Shadab Khan*, counsel pointed out to the payment receipt, issued by *Sarvodaya Kanya Vidhyalaya*, to show that in September 2013 she had worked for 2 days, October 2013 for 18 days and November 2013 for 12 days. The maximum time worked in the previous three months was 32 days, for which she got *Rs.22,400/-*. **PW3** stated that the maximum limit payable as per the notification of Directorate of Education, was *Rs.17,500/-* per month.

39. Accordingly, the Court is of the opinion that through guest teacher roles deceased *Smt. Madhu Verma* could have earned a maximum of *Rs.17,500/-* per month, according to the notification of the Directorate of Education.

40. As regards the tuition fee, no doubt that she had received *Rs.4,000/-* from **PW4**. The assessment of *Rs.7,000/-* by MACT regarding the tuition is not amiss considering parents are keen to get a good teacher for private tuitions for children. Income is assessed on the basis of potentiality of earning, which is a broad and just estimate the Court has to draw, considering that it is a beneficial legislation.

41. However, the MACT was possibly correct in stating that there are 23 working days in a month and, therefore, the maximum earning could have been *Rs.16,100/-* per month.

42. Therefore, the MACT was correct in its assessment of considering the benchmark income as *Rs. 16,100/-*, earning from guest teacher role



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and Rs. 7,000/- from tuitions, totaling to Rs. 23,100/-.

43. The MACT did not grant that *future prospects*, as per principles enunciated in ***Pranay Sethi*** (*supra*); the deceased was 28 years of age and, therefore, 40% of *future prospects* would be awarded, in addition to the multiplier of 17, as has been applied by the MACT.

44. As regards the interest as stated above, 9% interest would be awarded from the date of filing of claim and not 12% interest awarded by the MACT, which is on the higher side, taking into account, decision of Supreme Court in ***Kaushnuma Begum*** (*supra*) and that the long-term fixed deposit interest rates offered by nationalized banks for the year 2013 *i.e.* the date of filing the claim, was about 9%.

45. *Mr. Shadab Khan*, counsel states that $1/3^{rd}$ deductions should not have been provided, instead 50% ought to have been taken, considering that she had only one dependent child, as per the principles in ***Sarla Verma & Ors. v Delhi Transport Corporation & Anr*** (2009) 6 SCC 121.

46. However, *Mr. Kamra*, counsel points out, and rightly so, that as per the principles in ***Pranay Sethi*** (*supra*), 50% deduction was in a case of a bachelor; here the wife was contributing also to the household income and was legitimately assumed to be only spending $1/3^{rd}$ on herself and the rest was being contributed to the family, which included the dependent child.

47. Accordingly, the plea as regards the deduction of 50% for personal and living expenses is untenable; the MACT was correct in taking the deduction as $1/3^{rd}$ towards personal and living expenses.

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48. In view of the principles laid down in *Satinder Kaur* (*supra*), compensation under the head of *loss of love and affection* shall be Nil, as the same is subsumed within *loss of consortium*. In light of principles enunciated in *Pranay Sethi* (*supra*), compensation towards *loss of consortium* is awarded at Rs. 40,000/- each to four claimants (husband, one child, and parents), totaling Rs. 1,60,000/-. Further, Rs. 15,000/- is awarded towards *loss of estate* and Rs. 15,000/- towards *funeral expenses*.

49. Therefore, revised computation in respect of late *Smt. Madhu Verma* is as under:

S.no.	Heads of Compensation	Awarded by the Tribunal	Awarded by this Court
1.	Monthly Income (A)	Rs. 23,100/-	Rs. 23,100/-
2.	Future Prospects @40% (B)	Nil	Rs.9,240/-
3.	Less Personal expenses of the deceased (C) 1/3 rd	Rs.7,700/-	Rs. 10,780/-
4.	Monthly Loss of Dependency (A+B-C=D)	Rs. 15,400/-	Rs. 21,560/-
5.	Annual Loss of Dependency (D x 12=E)	Rs. 1,84,800/-	Rs. 2,58,720/-
6.	Multiplier (F)	17	17
7.	Total loss of dependency (E x F = G)	Rs. 31,41,600/-	Rs. 43,98,240/-
8.	Compensation for loss of consortium (H)	Rs. 50,000/-	Rs. 1,60,000/- (Rs.40,000x4)
9.	Compensation for loss of love and affection (I)	Rs. 50,000/-	Nil

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10.	Compensation for loss of estate (J)	Rs. 50,000/-	Rs. 15,000/-
11.	Compensation towards funeral expenses (K)	Rs.25,000/-	Rs. 15,000/-
12.	Total compensation (G+H+I+J+K=L)	Rs. 33,16,600/-	Rs. 45,88,240/-
12.	Rate of Interest Awarded	12%	9%

Directions

50. As per order dated 07th April 2016, the entire compensation amount was directed to be deposited by this Court. 60% of the awarded amount was to be released.

51. Claimants in respect of both the deceased *i.e. Smt. Meenu Verma* and *Smt. Madhu Verma* will, therefore, be entitled to the enhanced compensation, as computed in the respective tabulations provided above, along with 9% interest per annum, calculated from the date of the filing of the petition till the date of deposit. The original compensation along with 12% interest, already deposited, will also be re-computed at 9% and will be duly adjusted.

52. It is directed that a lump sum amount of Rs.5,00,000/- each shall be released immediately to the respective claimants of the two families, as per the apportionment directed by the MACT and the rest of the amount will be preserved in the FDRs, as per the award.

53. Accordingly, the appeals stand disposed of with the above directions. Pending applications, if any, are rendered infructuous.

54. Statutory deposit, if any, be refunded to the appellant.

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55. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

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