* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Reserved on : 26th May 2026*
Pronounced on : 01st July 2026
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\+ **MAC.APP. 34/2021 & CM APPL. 2020/2021**

ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED .....Appellant

Through: Mr. Ankit Kalra, Advocate.

versus

DHARMENDER KHURANA & ORS. ...Respondents

Through: Mr. Sumeet Verma, Senior Advocate. With Mr. Vijay Kumar Wadhwa and Mr. Mahinder Pratap Singh, Advocates.

\+ **MAC.APP. 35/2021 & CM APPL. 2025/2021**

ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED .....Appellant

Through: Mr. Ankit Kalra, Advocate.

versus

PRABHJOT SINGH & ORS. .....Respondents

Through: Mr. Sumeet Verma, Senior Advocate. With Mr. Vijay Kumar Wadhwa and Mr. Mahinder Pratap Singh, Advocates.

\+ **MAC.APP. 40/2021**

SHRI DHARMENDER KHURANA OTHERS .....Appellants

Through: Mr. Sumeet Verma, Senior Advocate. With Mr. Vijay Kumar Wadhwa and Mr. Mahinder Pratap Singh, Advocates.

versus

MR. SHIVANSH MALIK AND OTHERS .....Respondents

Through: Mr. Ankit Kalra, Advocate.

\+ **MAC.APP. 93/2021**

SHRI PRABHJOT SINGH AND ORS .....Appellants

Through: Mr. Sumeet Verma, Senior Advocate. With Mr. Vijay Kumar Wadhwa and Mr. Mahinder Pratap Singh, Advocates.

versus

SHIVANSH MALIK AND ORS .....Respondents

Through: Mr. Ankit Kalra, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J.

1. These are cross-appeals, filed by the Insurance Company seeking reduction of compensation, whereas claimants have filed seeking enhancement of compensation as awarded by the impugned judgment dated 14th September 2020 passed by Motor Accident Claims Tribunal ['***MACT***'], Tiz Hazari Courts, Delhi. There were two deceased in the

accident which occurred on 19th February 2017, namely, *Vinay Khurana* and *Prabhleen Kaur*. The Motor Accident Claims Tribunal, West District, Tis Hazari Courts, Delhi ('***MACT***') awarded compensation to the legal representatives of both the deceased. For *Vinay Khurana*, it was the father (*Dharmender Khurana*), mother (*Rekha Khurana*) and brother (*Nirbhay Khurana*). For *Prabhleen* Kaur, it was the father (*Prabhjot Singh*), mother (*Gurmeet Kaur*), brother (*Sarabjot Singh*), grandfather (*Gurdial Singh*), and grandmother (*Shakuntla Sehgal*).

2. The accident took place on 19th February 2017, when *Vinay Khurana* and *Prabhleen Kaur* were travelling to Delhi, after attending a marriage, in the offending vehicle bearing registration no. DL-3C-CE-9785 driven by *Shivansh Malik*, a common friend of deceased. It is alleged that the offending vehicle was being driven at a very high speed in a rash and negligent manner, when the driver of the offending car hit the car against the railing on the divider which pierced the car from front to rear side. Resultantly, *Vinay Khurana* died on spot, whereas *Prabhleen Kaur* succumbed to her injuries in Hospital at Rohtak. FIR no. 121/2017 was registered under Sections 279/304 Indian Penal Code 1860 at PS Sadar Bahadurgarh and subsequently chargesheet was filed against driver of the offending car.

3. **MAC.APP. 34/2021** and **MAC.APP. 40/2021** are cross appeals in respect of the compensation for the death of *Vinay Khurana*, whereas **MAC.APP. 35/2021** and **MAC.APP. 93/2021** are cross appeals in case of the death of *Prabhleen Kaur*. In both cases of *Vinay Khurana* and

Prabhleen Kaur, the summary of compensation from the MACT's award is extracted as under for reference:

FORM- IV A (in claim petition No.411/17)

SUMMARY OF COMPUTATION OF AWARD AMOUNT IN DEATH CASES TO BE INCORPORATED IN THE AWARD

1.	Date of accident	19.02.2017
2.	Name of the deceased	Vinay Khurana
3.	Age of the deceased	21 years
4.	Occupation of the deceased	Student
5.	Income of the deceased	Rs.55,000/- per month
6.	Name, age and relation of legal representatives of deceased:	

SN	Name	Age/DOB	Relation
1	Dharmender Khurana	1966	Father
2	Smt.Rekha Khurana	1970	Mother

COMPUTATION OF COMPENSATION

SN	Heads	Awarded by the Claim Tribunal (Rs.)
7.	Income of the deceased (A)	55,000
8.	Add-Future Prospects (B)	22,000
9.	Less-Personal expenses of the deceased (C)	38,500
10.	Monthly loss of dependency (A+B)-C = D	38,500
11.	Annual Loss of dependency (D X 12)	4,62,000
12.	Multiplier (E)	18
13.	Total loss of dependency (D X 12 X E = F)	**Rs.83,16,000/-**
14.	Medical Expenses (G)	---
15.	Compensation for loss of love and affection (H)	---
16	Compensation for loss of consortium (I)	40,000
17.	Compensation for loss of estate (J)	15,000
18.	Compensation towards funeral expenses (K)	15,000
19.	Total Compensation (F+G+H+I+J+K = L)	**Rs.83,86,000/-**

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20.	RATE OF INTEREST AWARDED	9% p.a.
21.	Interest amount up to the date of award (M)	Rs.23,59,338/-
22.	Total amount including interest (L+M)	Rs.1,07,45,338/-
23.	Award amount released	Rs.8,86,000/-
24.	Award amount kept in FDRs	Rs.75,000/-
25.	Mode of disbursement of the award amount to the claimant(s). (Clause 29)	FDRs
26.	Next Date for compliance of the award (Clause 31)	**12.11.2020**

FORM- IV A (in claim petition No.538/17)

SUMMARY OF COMPUTATION OF AWARD AMOUNT IN DEATH CASES TO BE INCORPORATED IN THE AWARD

1.	Date of accident	19.02.2017
2.	Name of the deceased	Ms.Prabhleen Kaur
3.	Age of the deceased	21 years
4.	Occupation of the deceased	Student
5.	Income of the deceased	Rs.25,000/- per month

6. Name, age and relation of legal representatives of deceased:

SN	Name	Age/DOB	Relation
1	Prabhjot Singh	1969	Father
2	Smt.Gurmeet Kaur	1972	Mother

COMPUTATION OF COMPENSATION

SN	Heads	Awarded by the Claim Tribunal (Rs.)
7.	Income of the deceased (A)	25,000
8.	Add-Future Prospects (B)	10,000
9.	Less-Personal expenses of the deceased (C)	35,000
10.	Monthly loss of dependency (A+B)-C = D	17,500
11.	Annual Loss of dependency (D X 12)	2,10,000
12.	Multiplier (E)	18
13.	Total loss of dependency (D X 12 X E = F)	**Rs.37,80,000/-**
14.	Medical Expenses (G)	---
15.	Compensation for loss of love and affection (H)	---
16	Compensation for loss of consortium (I)	40,000
17.	Compensation for loss of estate (J)	15,000
18.	Compensation towards funeral expenses (K)	15,000
19.	Total Compensation (F+G+H+I+J+K = L)	**Rs.38,50,000/-**

20.	RATE OF INTEREST AWARDED	9% p.a.
21.	Interest amount up to the date of award (M)	Rs.10,83,168/-
22.	Total amount including interest (L+M)	Rs.49,33,168/-
23.	Award amount released	Rs.4,50,000/-
24.	Award amount kept in FDRs	Rs.34,00,000/-
25.	Mode of disbursement of the award amount to the claimant(s). (Clause 29)	FDRs
26.	Next Date for compliance of the award (Clause 31)	**12.11.2020**

Submissions on behalf of the Insurance Company

4. *Mr. Ankit Kalra*, counsel for the Insurance Company, asserted that the appeal was being preferred on the following grounds:

(i) Failure to establish negligence on part of the driver of the vehicle bearing registration number DL-3C-CE-9785.

(ii) Erroneous assessment of income of the deceased.

(iii) Excessive award of interest at 9% per annum.

5. On the *first* issue regarding no proof of negligence, it was argued that despite MACT observing that the testimony of alleged eyewitness **PW3**, *Sh. Jai Pratap Singh*, did not inspire confidence, MACT erred in concluding the issue of negligence merely on the basis of the site plan and photographs of the site. It was not disputed that the FIR had been lodged though after an unexplained delay of 16 days and no plausible explanation had been furnished. The MACT itself had discarded the testimony of the alleged eyewitness.

6. On the *second* issue of assessment of income, it was contented that the deceased *Vinay Khurana* was merely a student and the monthly income of the deceased was considered at *Rs.55*,000/-. The offer letters relied upon by the claimants were issued after the demise of the deceased and were dated 21st March 2017 and 17th August 2017, whereas the alleged offer from the *C-DOT* was purely conditional in nature.

7. Counsel for insurance company submitted that, MACT erred in relying upon speculative future employment possibilities in the absence of any existing employment. Reliance was placed on ***Oriental Insurance Co. Ltd. v. Deo Patodi & Ors.*** (2009) 13 SCC 123, where the Supreme Court adopted a cautious approach in assessing the income of a bright student studying abroad and earning *Rs.80,000*/- assessed the monthly income at *Rs.25,000*/-. Similar was the case in ***Navjot Singh v. Harpreet Singh & Ors.*** (2020) SCC OnLine SC 1562. Moreover, the MACT erred in not

deducting the applicable income tax prevailing during the financial year 2016-2017.

8. On the *third* issue of excessive award of interest, relying upon ***Dharampal & Ors v. U.P. State Road Transport Corpn.*** (2008) 12 SCC 208 wherein it was held that the interest should be aligned with prevailing market and bank interest rates at the relevant point of time, it was contended that the interest at 9% was excessive and it should have been granted in the range of 6 - 7.5%. per annum.

Submissions on behalf of the Claimants

9. *Mr. Sumeet Verma*, Senior Advocate, on the *first* issue of negligence, contented that MACT's finding in *paragraph nos. 15 & 16* is sustainable, considering there was a chargesheet filed and the site plan and photographs were clear and categorical. On the *second* issue of assessment of income, MACT's assessment that offers of employment were post *Vinay Khurana's* death was factually incorrect. Deceased *Vinay Khurana* had accepted the job offered by C-Dot at *Rs.10,27,000*/- per annum as is evident from the offer letter and acceptance by the deceased.

10. Offer made by *M/s Work Application*, a Japan based company, was also justified since e-mails prior to the accident had already been exchanged and *Vinay Khurana* had already shown his willingness to join by email dated 30th September 2016. Even otherwise, the average salary drawn by a student of B. E. (Computer Engineering) from *Netaji Subhash Institute of Technology* (*NSIT*) in the year 2016-2017 was around

Rs.13,50,000/-. The aforesaid was duly proved by the evidence brought on record by **PW2**, *Nirbhay Kumar Mishra*.

11. As regards deceased, *Prabhleen Kaur*, the MACT assessed income at *Rs.25,000*/- per month, ignoring the academic record and that she has the potential to secure a well-paying job in her field. She had been selected for internship through campus selection for two months by *M/s Sun Pharmaceuticals Industries Ltd.* and was paid a sum of *Rs.20,000*/- per month as stipend. She was among the most meritorious students in *B.E. (Instrumentation & Control Engineering)* from NSIT and was awarded merit scholarship for the year 2015-16 and she was chosen as Placement Coordinator, T&P Cell, NSIT. It is claimed that *M/s Sun Pharmaceuticals Industries Ltd.* had offered a sum of *Rs.11,50,000*/- to a student in the same course in the year 2016, proved through **PW2/B**, which would evidence the earning capacity of the student. Reliance was placed on ***M.R. Krishnamurthy v. The New India Assurance Co. Ltd.*** 2019 INSC 317 and ***National Insurance Company Ltd. v. Amresh Rana & Ors.*** 2025: DHC: 806.

12. On the *third* issue of interest, it was stated that *9%* interest was a discretion of the MACT and was justified, considering that the interest rates, prevailing at the time of accident were between *7.5 – 8.75%* per annum.

13. An additional issue on *loss of consortium* was raised by the claimants, in that, MACT only awarded *Rs.40,000*/-, whereas there were three claimants in the case of *Vinay Khurana* as noted above and,

therefore, it should be awarded at *Rs.1,20,000/-* (*Rs.40,000 × 3 members*); whereas there were five claimants in the case of *Prabhleen Kaur* and it should be awarded at *Rs.2,00,000/-* (*Rs.40,000 × 5 members*).

Analysis

Negligence

14. As regards issue of negligence, reliance can be placed on *paragraph 37* of the judgment of this court in ***National Insurance co ltd v Shehnaj Begum & Ors.*** 2026:DHC:3169 which is extracted as under:

> "*37. Thus, where direct evidence regarding the manner of the accident is unavailable, the Tribunal is entitled to examine the surrounding circumstances and assess whether the occurrence is of such a nature that negligence can reasonably be inferred. In such cases, the doctrine of res ipsa loquitur operates as a rule of evidence enabling the Tribunal, on the touchstone of preponderance of probabilities, to determine whether the accident itself provides a reasonable basis to infer negligence.*"

15. In the facts of the present case, this Court is of the view that the doctrine of *res ipsa loquitur* squarely applies. The material placed on record, including the FIR, site plan and chargesheet, clearly establishes that the offending vehicle had struck the divider with considerable force, resulting in the death of the deceased. The offending vehicle was under the exclusive control and management of driver, yet neither the driver nor the owner entered the witness box to furnish any explanation regarding the manner in which the accident occurred or to rebut the allegation of rash

and negligent driving. The only plea that is taken in the written statement filed by driver and owner is that the reflection of sunlight resulted in the car to get imbalanced. Based on the evidence placed on record the reason as canvassed by the driver and owners are implausible. In these circumstances, the surrounding facts themselves furnish sufficient basis to draw an inference of negligence against the driver of the offending vehicle.

16. Further, reliance can be placed on the Supreme Court's judgment in ***Ranjeet v. Abdul Kayam Neb***, 2025 SCC OnLine SC 497 where the Apex Court has recently reiterated its position that once chargesheet has been filed against the driver, no further evidence is required to prove negligence; the relevant portion is extracted as under:

> "*4. It is settled in law that once a charge sheet has been filed and the driver has been held negligent, no further evidence is required to prove that the bus was being negligently driven by the bus driver. Even if the eyewitnesses are not examined, that will not be fatal to prove the death of the deceased due to negligence of the bus driver.*
> *5. In view of the aforesaid facts, we are of the opinion that the Tribunal and the High Court both manifestly erred in law in refusing to grant any compensation to the claimants.*"
>
> (emphasis added)

17. In view of the above, the Tribunal was justified in arriving at the finding of negligence on the touchstone of preponderance of probabilities.

Assessment of Income

18. The decisions which have been cited by counsels for respective parties may be considered in order to appreciate the issue of assessment of income of an undergraduate student, who is yet to join the workforce. The following decisions can be relied upon to assess the income of deceased:

(i) ***Oriental Insurance Co. Ltd. v. Deo Patodi***, (2009) 13 SCC 123, the Supreme Court was dealing with an issue of what would be the appropriate multiplier and multiplicand in a case where a student had a brilliant career and had an offer of employment in a U.S. based company. The deceased was 22 years of age who died in an accident. The claim for compensation was for *Rs. 75,00,000/-* on the premise that while he was doing his business administration course in the U.K., he was doing a part time job in the World Bank and was earning a monthly salary of *Rs. 80,000/-* and was offered employment in capacity of EU Controller in *Goa LLC*, company registered in USA at an annual remuneration of *Rs.18,00,000/-* per annum. It was not disputed that he did not accept that offer and intended to pursue higher studies in MBA in Australia. The Tribunal assessed that he had capability to be employed on a salary of *Rs.18,000/-* per month and used that as the benchmark income. The High Court maintained the estimated income at *Rs.18,000/-* per month, however, it varied the deduction on account of personal expenses. The Supreme Court considered the evidence and stated that when the accident took place, the deceased was not working, having not accepted the offer, and he was still a student. It was noted that "*it would have been hazardous for the Tribunal to calculate the amount of compensation towards the loss of dependency on that basis*". Considering that the benchmark of *Rs.18,000/-* per month was on the basis of the salary offered abroad, the Court noted that the "*the standard of living in western countries cannot be followed; in the absence of any material placed before the Court it should not be followed in India*". The Supreme Court was, therefore, of the opinion that the compensation should have been calculated at *Rs.25,000/-* per month, being about 1/3rd of the amount that he was receiving in U.K. (*Rs. 80,000/-* per month, on which he also paid income tax in U.K.),

(ii) ***Navjot Singh v Harpreet Singh & Anr***, (2020) SCC onLine SC 1562, the Supreme Court was hearing an appeal on enhancement in respect of an injury case which resulted in amputation of the right leg. The grievance was regarding loss of future earnings on account of permanent disability. The injured was 21 years of age, pursuing a course in Food Technology in an institute and earning *Rs.10,000/-* per month by taking tuition. The Tribunal disbelieved the earning for tuition and only awarded compensation on pecuniary losses. The High Court reversed the finding and fixed the notional income at *Rs. 5,000/-* along with future prospects at *40%*. The Supreme Court stated that the notional income of a student undergoing a degree course in engineering from a premium institute should not be taken to be equivalent to minimum wages admissible from an unskilled worker. Students recruited through campus interviews are at least offered a sum of *Rs.20,000/-* per month. The High Court could have fixed the national income at least at *Rs.10,000/-* per month, which they finally awarded along with the future prospects at *40%.*

19. This Court in addition to the judgment relied on by the respective parties has also considered the following decisions which consider the issue of notional income of a student:

(i) In ***Arvind Kumar Mishra v. New India Assurance Co. Ltd.***, (2010) 10 SCC 254, the Supreme Court was considering the claim of an injured as a final year *B. Tech* student at *Birla Institute of Technology* resulting in *70%* permanent disablement and being in coma for 2 months. It was opined that since he was a student of a prestigious university, he wouldn't have any difficulty in getting some job in the private sector; there he would also have a chance of promotion. Accordingly, it was considered fair and reasonable to assess the income of the injured at *Rs.60,000/-* per annum taking the salary and allowances payable to an Assistant Engineer in public employment as the basis.

(ii) In ***Vasanthi v. Adhiparasakthi Engg. College***, (2022) 15 SCC 316, the Supreme Court while dealing with the case of death of a student aged 23 years who was an engineer and was pursuing an MBA degree from SRM University to further his professional capabilities. The Supreme Court took into account employment prospects of classmates of the deceased and noted that if the deceased had not met with the unfortunate accident, he would have surely drawn a salary equivalent to that of his classmates, or at least an amount near the said amount. Accordingly, the Supreme Court assessed the potentiality of income at *Rs. 30,000/-* per month.

(iii) In ***S. Mohammed Hakkim v. National Insurance Co. Ltd***., (2025) 10 SCC 263, relying upon ***Navjot Singh*** (*supra*) the Supreme Court noted that the injured of 21 years of age and in third year of engineering college had a bright future ahead of him and noted that since in ***Navjot Singh*** (*supra*) in the year 2013, *Rs.10,000/-* was assessed as the notional income, in the present case, for year 2017, at least earning *Rs. 20,000/-* per month should be taken as notional income.

(iv) In ***Deepak Singh v. Mukesh Kumar,*** 2025 SCC OnLine SC 277, yet again the Supreme Court relied on the judgment of ***Navjot Singh*** (*supra*) and enhanced the consideration of notional income from minimum wages to *Rs.10,000/-* per month, for a student who was in his twenties at the time of an accident, but had succumbed to his injuries.

(v) In ***Sharad Singh v. H.D. Narang,*** 2025 SCC OnLine SC 2085, the claim was of an injured aged 20 years who had been rendered immobile due to an accident. He was in the process of completing his graduation and proceeding to sit for chartered accountants' examination. Supreme Court rejected the claim that minimum wages of a graduate can be awarded to him, considering the potentiality of good employment. Even if he had not obtained the certificate as a Chartered Accountant, upon graduation, he could have been employed as an Accountant and a reasonable estimate was an amount of *Rs.5,000/-* as monthly income in the year 2001. The minimum wages of a skilled worker at that time were *Rs. 3,352/-*

(vi) In ***United India Insurance Company Ltd. v. Anita***, 2017 SCC OnLine Del 11152, a Coordinate Bench of this Court considered the case of deceased, who was 21 years of age, in the 6th semester, B.Tech (Mechanical & Automation Engineering) student at *Al-Falah School of Engineering and Technology at Rohtak, Haryana*. The Court upheld the assessment of notional income by Tribunal at *Rs. 26,851/-,* which was assessed taking into consideration that deceased had passed 5th semester in December 2008 and had received approval for 6 weeks industrial training with Indian Airlines, also considered the certificate of excellence, marksheets and the monthly income of classmates.

(vii) In ***Raj Bala v. Sumit Dahiya***, 2018 SCC OnLine Del 12086, claim regarding a 21-year-old deceased, final year B. Tech student at Maharshi Dayanand University, Rohtak, the earning capacity was assessed on the basis of the potential of the deceased and income was taken at *Rs.26,600/-* per month having regard to the fact that he got a placement offer of *Rs. 3,20,000/-* per annum.

(viii) In ***Uttar Pradesh State Road Transport Corporation v. Seema Rustagi***, 2026: DHC:4289, this Court has taken up an issue of a fatal accident, in which the deceased was a graduate of School of Planning and Architecture in Delhi and was expected to get a reasonable job. Evidence was placed of the batchmates who were studying and drawing an average salary of *Rs.35,000/-* per month. MACT accordingly, granted *Rs.30,000/-* as the benchmark income per month. The Court upheld the decision of the Tribunal on the basis of potentiality of income.

(ix) In ***Savita and Ors v. National Insurance Company Ltd***. 2026: DHC:3626, this Court considered the determination of notional income in cases where even employment proof had not been found. The Court stated that some intelligent guesswork has to be done, which may not be restricted to minimum wage parameters. Further, guideposts as regards the age, occupation and educational background of the victim were laid down by this Court. The Court noted in *paragraph 30* as under:

> "*...D. <u>Age, occupation and educational background of the victim i. In cases where the victim was a student and the evidence on record suggests that the victim would have engaged in employment after completing education</u>, had the accident not taken place; the Courts must consider the educational background keeping in view the missed future opportunities. ii. Reliance to be placed on documents and testimonies indicating the prior educational background of the victim, if no proof has been placed with regards to the employment details...*"
>
> (emphasis added)

<u>Assessment of evidence</u>

<u>Re: Vinay Khurana</u>

20. The accident occurred on 19th February 2017, which has to be taken as the watershed year for both the deceased in respect of the income that they could have been possibly earned. *Vinay Khurana* was 21 years of age pursuing his final year in B.E. Computer Engineering from *Netaji Subhash Institute of Technology* ('***NSIT***'). The testimony of **PW-1**/father was recorded who stated that he was a bright and meritorious student, all-rounder, and participating in extra-curricular activities during entire student life. In CBSE class 12th examinations, he was awarded a medal of excellence for securing first position in the entire school. He secured admission in a premium engineering college due to his excellent score in

the JEE examination. He was awarded a merit scholarship for being among the top *25%* in this batch during the third year and was chosen as Placement Coordinator, T&P Cell, NSIT, wherein he was made responsible for placement and internship of students. He had a CGPA of 8.0 (*72.61%*) and had done various significant internships. There were three potential offers which the deceased had secured.

(i) Deceased did his internship in *Belzabar Software Design India Pvt. Ltd*., he was offered a package of *Rs.9.36 lakhs* per annum for appointment as Computer Scientist. Testimony of *Aman Varman*, HR, Manager of the company as **PW-4**, confirms that a letter of appointment had been given on 17th August 2017.

(ii) *Centre for Development of Telematics, Government of India* (C-DOT) through campus placement cell had selected the deceased on 21st October 2016 for the post of a Research Engineer in a pay scale of *Rs.15,600- 39,100* under Pay Band -3 in Grade Pay of *Rs. 5,400/-* per month. The consent letter had been given to C-DOT on 10th November 2016 (**Exhibit PW1/40**). **PW-6,** *Anjali Khanna* was examined from C-DOT who testified that pursuant an RTI application, a reply was sent to *Dharmender Khurana* with the copy of offer of appointment letter and that the gross salary should have been *Rs.80,000/-* (*approx*) per month.

(iii) *M/s Works Application Company Ltd*., a Japan based IT Company had offered a job of Computer Scientist for *60 lakhs* Japanese Yen per annum. **PW-7** was examined for *IVTL Infoview Technologies Pvt.Ltd*, which was a *100%* subsidiary of the parent company. Emails dated 30th September 2016, 24th January 2017 and 21st March 2017 (**Exhibit PW-7/C colly**): were placed.

21. The MACT noted that the offer by *Belzabar Software Design India Pvt. Ltd*. was dated 17th August 2017, which was after the death of the deceased, and there was no formal offer before his death.

22. The MACT noted that **PW-6** from *C-DOT*, in her cross-examination, stated that the letter was provisional and was subject to completion degree of B.E.

23. As regards *M/s Works Application Company Ltd.*, the MACT recorded that the acceptance letter was sent to the deceased after the death. MACT, therefore, assessed the net income at *Rs.55, 000/-* per month as on the date of the accident.

24. Amongst all these offers, the Court considers the offer from *C*-DOT, a government company, as one which had been issued prior to the accident on 26th October 2016. It categorically states that "*Congratulations on your selection in C-DOT for the post of Research Engineer. We are enclosing herewith the detailed terms and conditions of your appointment. This offer of appointment is being made to you to report at our Delhi Centre on 01 August 2017*". The offer letter asks for a request for acceptance of the appointment. Of course, the said offer was provisional and subject to the criteria of age, percentage of marks and submission of certificates at the time of reporting on duty; condition of obtaining *70%* and above in the general category in the qualifying exam.

25. Considering that the deceased was running a *CGPA of 8.0 (72.61%)* and was a meritorious student, the Court does not find any reason why the deceased potentially would not have qualified for the job. The acceptance letter has also been perused by the Court. It was issued by the deceased on 06th November 2016 stating that he will be reporting on duty. There is no reason why this appointment cannot be considered as crystallising the potential income. As per the response to the RTI, which has been confirmed by the testimony of **PW-6**/*Anjali Khanna* from C-DOT stated that his gross salary would have been approximately *Rs.80,000/-* per month. Accordingly, this ought to have been taken as the benchmark income by the MACT rather than making a guesswork on a less rational basis at *Rs.55,000/-* per month.

26. As regards the other two offers, it has already been stated above that the offer from *Belzabar Software Design India Pvt. Ltd.*, was given after the date of the death of the deceased. As regards the job offer from *M/s Work Application*, no doubt there were mails exchanged, but it was subject to the clearance from the Singapore Government for providing an employment permit as evident from the last mail exchanged before the death of the deceased on 24th January 2017.

27. The subsequent e-mail dated 21st March 2017, after the date of the accident notes that "*it requires an acceptance till 01st April 2017*". It notes that there are terms and conditions and that there have been some issues in Singapore visa procurement in the past and that there was a contingency plan in that regard. The willingness for joining, sent by *Vinay Khurana* on

30th September 2016, would be, therefore, subject to various conditions which would have had to be complied with.

28. Amongst all these offers, the certainty of the *C-DOT* offer is evident and, therefore, the benchmark income should be considered at *Rs. 80,000/-* on which future prospects of *40%* and according to multiplier of 18 shall be taken based on principles of ***National Insurance Co. Ltd. v. Pranay Sethi,*** (2017) 16 SCC 680. Further, considering that deceased was a bachelor there shall be deduction of *50%* as per principles of ***Pranay Sethi*** (*supra*).

29. On the point of deduction towards income tax to determine the annual income of deceased reliance can be placed on the decisions of ***Sarla Verma v. DTC,*** (2009) 6 SCC 121, ***National Insurance Co. Ltd. v. Pranay Sethi,*** (2017) 16 SCC 680 and ***Manorma Sinha v. Oriental Insurance Co. Ltd.,*** 2025 SCC OnLine SC 2241, wherein the Supreme Court has held that actual salary should be read as actual salary less tax and that income tax deduction should be based on notified and applicable tax rates. Considering the deemed annual salary of the deceased would have been *Rs. 9,60,000/-*, on which tax would be payable as per the Financial Year 2016-17 and Assessment Year 2017-18, as per principles enunciated in ***Pranay Sethi*** (*supra*). Accordingly, deemed income post income tax deduction is *Rs. 8,43,000/-*.

30. Further, as regards loss of consortium, since there were three claimants in the case of *Vinay Khurana*, loss of consortium should be awarded at Rs. 40,000/- x 3, totalling to *Rs.1,20,000/-*.

31. As regards the issue of interest, reliance in this regards can be placed upon the judgment of the Supreme Court in ***Kaushnuma Begum (Smt.) & Ors. v. New India Assurance Co. Ltd. & Ors.,*** (2001) 2 SCC 9 wherein, while interpreting the powers of the Tribunal under Section 171 of the MV Act to award simple interest on compensation from the date of institution of the claim petition, it was observed that the rate of interest awarded by nationalised banks on fixed deposits ought to serve as the guiding factor while determining the rate of interest payable on compensation amounts.

32. In the facts of the present case, since the long-term fixed deposit rates offered by nationalised banks during the year 2017, *i.e.* the year of filing of the claim petition, were between *6.50-6.75%* per annum, the interest on the compensation is accordingly modified to *6.75%* per annum from the date of filing of the claim petition, as opposed to *9%* per annum awarded by the Tribunal.

33. Considering that the accident happened in 2017 and the award was passed on 14th September 2020, nine years have passed since the death of deceased. Considering the long pendency it would be appropriate that the interest applicable on the original compensation awarded by the Tribunal shall continue to be *9%* per annum. It is clarified that the interest *6.75%* per annum shall be applicable only on the enhanced compensation.

34. Accordingly, the revised compensation for *Vinay Khurana* is as under:

S.no.	Heads of Compensation	Awarded by the Tribunal	Awarded by this Court
1.	Income per month (A)	Rs. 55,000/-	Rs. 80,000/-

2.	Annual Income (A x 12= B)	Rs.6,60,000/-	Rs. 9,60,000/-
3.	Income Tax Deduction (C) Rs.25,000+ 20% of the amount exceeding Rs. 5,00,000 [AY 2017-18 and 2016-17]	Nil	Rs.9,60,000-Rs. 1,17, 000 = Rs. 8,43,000/-
4.	Future Prospects @40% (D)	Rs. 2,64,000/-	Rs. 3,37,200/-
5.	Less Personal expenses of the deceased (E) 1/2rd	Rs.4,62,000/-	Rs. 5,90,100/-
6.	Annual loss of dependency (F)	Rs.4,62,000/-	Rs. 5,90,100/-
7.	Multiplier (G)	18	18
8.	Total loss of dependency (F x G=H)	Rs. 83,16,000/-	Rs.1,06,21,800/-
9.	Compensation for loss of consortium (I)	Rs.40,000/-	Rs.1,20,000/-
10.	Compensation for loss of estate (J)	Rs.15,000/-	Rs.15,000/-
11.	Compensation towards funeral expenses (K)	Rs.15,000/-	Rs.15,000/-
12.	Total compensation (H+I+J+K=L)	Rs.83,86,000/-	Rs. 1,07,71,800/-
13.	Enhanced Amount	**Rs. 23,85,800/-**	
14.	Rate of Interest Awarded	**9%**	**6.75%**

Re: Prabhleen Kaur

35. As regards *Ms. Prabhleen Kaur*, evidence was provided on behalf of father **PW-7**/*Prabhjot Singh* who stated that his daughter was pursuing her third-year degree in B.E. (Instrumentation and Control Engineering) from NSIT. She was a bright and meritorious student, an all-rounder,

actively participating in extra-curricular activities. In the 12th CBSE examinations, she scored more than *90%* and received an excellent score in JEE examinations and, therefore, got a premium engineering college. During NSIT, she was awarded a merit scholarship and was chosen as a Placement Coordinator in T&P Cell. She was offered a stipend of *Rs.20,000/-* per month for a summer training at *Sun Pharmaceutical Industry ltd.*

36. The MACT held that the Tribunal could not assess the future earnings of *Prabhleen Kaur* on the same basis of deceased *Vinay Khurana* since she had not been offered any placement. The one evidence which had been placed for the potentiality of income is at **PW-2/D,** which is an offer from *Sun Pharmaceuticals* of *Rs. 11,50,000/-* per annum to a student of the same course in the year 2016.

37. On this basis, the monthly income would come to about *Rs.1,00,000/-.* However, there is no simple and foolproof way to assess that she would have earned this amount of income. However, the benchmark of *Rs.80,000/-* approximately, which *Vinay Khurana*, would have been given by a government company, which is a conservative estimate at least, could be considered for an estimate in case of *Prabhleen Kaur* as well. Considering her educational background, an amount of *Rs.60,000/-* per month would be a useful approximation *sans* any proof being given.

38. The Court also considers that she was earning *Rs. 20,000/-* per month for merely for internship at *Sun Pharmaceutical Industries Ltd.* and

there is no reason why a proper employment would not have garnered at least *Rs.60,000/-* per month.

39. Therefore, the benchmark income should be considered at *Rs. 60,000/-* on which future prospects of *40%* and according to multiplier of 18 shall be taken based on principles of ***Pranay Sethi,*** (*supra*). Further, considering that deceased was a bachelor there shall be deduction of *50%* as per principles of ***Pranay Sethi*** (*supra*).

40. Further, as regards loss of consortium, since there were five claimants in the case of *Vinay Khurana*, loss of consortium should be awarded at *Rs. 40,000/- x 5*, totalling to *Rs.2,00,000/-*.

41. On the point of deduction towards income tax to determine the annual income of deceased reliance can be placed on the decisions of ***Sarla Verma v. DTC,*** (*supra*), ***National Insurance Co. Ltd. v. Pranay Sethi,*** (*supra*) and ***Manorma Sinha v. Oriental Insurance Co. Ltd.,*** (*supra*), wherein the Supreme Court has held that actual salary should be read as actual salary less tax and that income tax deduction should be based on notified and applicable tax rates. Considering the deemed annual salary of the deceased would have been *Rs. 7,20,000/-,* on which tax would be payable as per the Financial Year 2016-17 and Assessment Year 2017-18, as per principles enunciated in ***Pranay Sethi*** (*supra*). Accordingly, deemed income post deduction of income tax is *Rs. 69,000/-*.

42. Similarly, as regards the issue of interest, considering the interest rates offered by nationalised banks during the year 2017, *i.e.* the year of filing of the claim petition, were between *6.50-6.75%* per annum, the interest on the compensation is accordingly modified to *6.75%* per annum

from the date of filing of the claim petition, as opposed to *9%* per annum awarded by the Tribunal.

43. Considering that the accident happened in 2017 and the award was passed on 14th September 2020, nine years have passed since the death of deceased. Considering the long pendency, it would be appropriate that the interest applicable on the original compensation awarded by the Tribunal shall continue to be *9%* per annum. It is clarified that the interest *6.75%* per annum shall be applicable only on the enhanced compensation.

44. Accordingly, the revised compensation for *Prabhleen Kaur* is as under:

S.no.	Heads of Compensation	Awarded by the Tribunal	Awarded by this Court
1.	Income per month (A)	Rs. 25,000/-	Rs. 60,000/-
2.	Annual Income (A x 12= B)	Rs.3,00,000/-	Rs. 7,20,000/-
3.	Income Tax Deduction (C) Rs.25,000+ 20% of the amount exceeding Rs. 5,00,000 [AY 2017-18 and 2016-17]	Nil	Rs. 7,20,000- Rs. 69,000/- = Rs. 6,51,000/-
4.	Future Prospects @40% (D)	Rs. 1,20,000/-	Rs. 2,60,400/-
5.	Less Personal expenses of the deceased (E) 1/2rd	Rs.2,10,000/-	Rs. 4,55,700/-
6.	Annual loss of dependency (F)	Rs.2,10,000/-	Rs. 4,55,700/-
7.	Multiplier (G)	18	18
8.	Total loss of dependency (F x G=H)	Rs.37,80,000/-	Rs. 82,02,600/-
9.	Compensation for loss of consortium (I)	Rs.40,000/-	Rs. 2,00,000/-

10.	Compensation for loss of estate (J)	Rs.15,000/-	Rs.15,000/-
11.	Compensation towards funeral expenses (K)	Rs.15,000/-	Rs.15,000/-
12.	Total compensation (H+I+J+K=L)	Rs. 38,50,000/-	Rs. 84,32,600/-
13.	Enhanced Amount	**Rs. 45,82,600/-**	
14.	Rate of Interest Awarded	**9%**	**6.75%**

Directions

Re:Vinay Khurana

45. Accordingly, the compensation in case of *Vinay Khurana* is enhanced by *Rs. 23,85,800/-*.

46. *Vide* order dated 19th January 2021 in MAC APP 34/2021, this Court directed that entire award amount be deposited with the Tribunal. The Tribunal shall release *50%* of the awarded amount in terms of the scheme of disbursal as provided by the subject Award and balance amount shall be kept in interest bearing fixed deposit.

47. Now that the appeal has been finally disposed of it is directed that the balance amount deposited along with accrued interest before the MACT shall be released to the claimants as per the directions of the MACT in the impugned award.

48. It is therefore directed that enhanced compensation amount along with *6.75%* interest per annum from the date of filing the petition shall be deposited before MACT within a period of four weeks. It is directed that

a lump sum amount of *Rs. 2,00,000/-* shall be released to the claimant from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts (***FDRs***) of *Rs.25,000/-* each for periods of 3 month, 6 months, 9 months and so on, in succession as maybe calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of claimant. The amount of FDRs on maturity would be released to the Savings Bank Account of claimant upon due verification.

Re: Prabhleen Kaur

49. Accordingly, the compensation in case of *Prabhleen Kaur* is enhanced by *Rs. 45,82,600/-*.

50. *Vide* order dated 19th January 2021 in MAC APP 35/2021, this Court directed that entire award amount be deposited with the Tribunal. The Tribunal shall release *50%* of the awarded amount in terms of the scheme of disbursal as provided by the subject Award and balance amount shall be kept in interest bearing fixed deposit.

51. Now that the appeal has been finally disposed of it is directed that the balance amount deposited along with accrued interest before the MACT shall be released to the claimants as per the directions of the MACT in the impugned award.

52. It is therefore directed that enhanced compensation amount along with *6.75%* interest per annum from the date of filing the petition shall be deposited before MACT within a period of four weeks. It is directed that a lump sum amount of *Rs. 4,00,000/-* shall be released to the claimant from the deposit of enhanced amount within a period of two weeks thereafter.

Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts (***FDRs***) of *Rs. 25,000/-* each for periods of 3 month, 6 months, 9 months and so on, in succession as maybe calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of claimant. The amount of FDRs on maturity would be released to the Savings Bank Account of claimant upon due verification.

53. The appeals are disposed of in above terms. Pending application, if any, are rendered infructuous.

54. Statutory deposit, if any, be refunded only if the order of deposit have been complied with.

55. Copy of this Judgment be sent to concerned MACT.

56. Copy of this Judgment be also sent to concerned bank for necessary information and compliance.

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

ANISH DAYAL
(JUDGE)

JULY 1, 2026/*ak/zb*