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

\# **CNR No. DLHC010053602014**

\+ MAC.APP. 49/2014

IFFCO TOKIO GENERAL INSURANCE CO LTD .....Appellant

Through: Mr. Pankaj Seth, Ms. Shruti Jain, Advocates.

versus

RAJ KUMARI & ORS .....Respondents

Through: Mr. Navneet Goyal, Advocate for Respondent nos.1-6.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% 29.10.2026

1. This appeal has been filed assailing the impugned Award dated 11th October 2013 passed by the Motor Accident Claims Tribunal, South District, Saket Courts, New Delhi ('***MACT/Tribunal***'), awarding compensation of *Rs.13,10,000/-* along with interest at 9% per annum, in relation to an accident which occurred on 14th May 2012, near Shiv Murti, Mahipal Pur, Delhi, resulting in the death of *Sh. Munna*, who was travelling on his bicycle.

2. *Mr. Pankaj Seth,* counsel for Insurance Company, assails the award on two grounds:

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i. ***Firstly***, he submits that there was no eyewitness, the Investigating Officer was not examined, and there was a delay in the registration of the FIR.

ii. ***Secondly***, he submits that the components of compensation under the heads of *loss of love and affection*, *loss of consortium*, *funeral expenses* and *loss of estate* require realignment in terms of the principles enunciated in ***Sarla Verma & Ors. v. Delhi Transport Corporation & Anr.***, (2009) 6 SCC 121 and ***National Insurance Co. Ltd. v. Pranay Sethi,*** (2017) 16 SCC 680.

3. The Court has perused the award and finds that, insofar as the issue of negligence is concerned, the MACT noted that the deceased was 42 years of age and was survived by his wife, mother and four daughters. He was the sole earning member of the family. There was a delay of five days in the registration of the FIR. An eyewitness, *Suraj*, had been identified; however, as per the testimony of **R3W1** (Investigating Officer), he was untraceable. Investigating Officer had recorded the statement of the eyewitness, wherein he stated that the driver of the car had fled the spot after causing the accident. He told the registration number of the offending vehicle. A notice was issued to the registered owner, who stated that he was driving the car at the time of the accident and refused to participate in the Test Identification Parade ('***TIP'***).

4. MLC shows that it was a road traffic accident. Considering that charge sheet had been filed, which explained the delay, the MACT held that the accident was caused due to negligence.

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5. As regards the realignment of various components, they shall be as under:

i. Since the deceased was self-employed, *future prospects* ought to have been assessed at ***25%*** instead of *30%*, in accordance with the principles laid down in ***National Insurance Co. Ltd. v. Pranay Sethi***, (2017) 16 SCC 680.

ii. Funeral charges have been awarded as *Rs.25,000/-* which ought to be *Rs.15,000/-*.

iii. Likewise, *loss of estate* was awarded at *Rs.10,000/-* which ought to be *Rs.15,000*/-.

iv. *Loss of consortium* has been awarded at *Rs.1,00,000/-*, which ought to have been *Rs.40,000* each to all six family members, namely, wife, mother and four daughters, resulting in a total amount of *Rs. 2,40,000/-*.

v. The amount of *Rs. 25,000/-* awarded under the head of loss of love and affection ought not to be granted, as the same is subsumed under the head of *loss of consortium*, in view of the principles laid down in ***United India Insurance Co. Ltd. v. Satinder Kaur @ Satwinder Kaur and Ors***. (2021) 11 SCC 780.

6. Accordingly, the compensation is revised as under:

Sr. No.	Heads	Awarded by the Tribunal	Awarded by the Court
1.	Monthly income of the deceased (A)	Rs. 7,020/-	Rs. 7,020/-
2.	Add-Future Prospects (B)	30%	25% of Rs. 7,020/- = Rs.

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			1,755/-
3.	Less-personal expenses of the deceased (C)	1/4	1/4 of Rs. 8,775/- = Rs. 2,193.75/-
4.	Annual loss of dependency [(A+B) - C] x 12= D]	Rs. 82,134/-	Rs. 78,975/-
5.	Multiplier (E)	14	14
6.	Total loss of dependency (D x E) = (F)	Rs. 11,49,876/- (rounded of to Rs. 11,50,000)	Rs. 11,05,650/-
7.	Compensation for loss of love and affection (G)	Rs. 25,000/-	NIL
8.	Compensation for loss of consortium (H)	Rs. 1,00,000/-	Rs. 2,40,000/-
9.	Compensation for loss of estate (I)	Rs. 10,000/-	Rs. 15,000/-
10.	Compensation towards funeral expenses (J)	Rs. 25,000/-	Rs. 15,000/-
11.	Total Compensation (F+G+H+I+J = K)	Rs. 13,10,000/-	Rs. 13,75,000/-
12.	Interest Awarded	9% per annum	9% per annum
13.	Enhanced Compensation	**Rs. 65,000/-**	

7. Accordingly, the compensation is enhanced by *Rs. 65,000/-*.

8. Enhanced compensation along with accrued interest be deposited by the Insurance Company before the Registrar General of this Court within a period of four weeks.

9. By order dated 20th January 2014, this Court directed the Insurance Company to deposit the entire awarded amount, along with accrued interest, with the Registrar General of this Court, and directed the release of 80% of the amount in accordance with the conditions stipulated by the MACT in the impugned award.

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10. Enhanced compensation and balance 20% compensation along with accrued interest be released to the claimants in a lump sum.

11. Accordingly, the appeal stands disposed of. Pending applications, if any, are rendered infructuous.

12. Statutory deposit, if any, be refunded to Insurance Company only if the order of deposit has been complied with.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 29, 2026/ak/bp

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