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

\+ MAC.APP. 43/2014

NAVEEN KUMAR MIGLANI & ANR .....Appellant

Through: Mr. Taiyab Khan, Adv.

versus

MAHAVEER (DRIVER) & ORS .....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **09.04.2026**

1. This appeal has been filed seeking enhancement of compensation awarded by judgment and award dated 18th September 2013 ('***impugned award***'), passed by Motor Accidents Claims Tribunal ['***MACT***'], Rohini Courts, Delhi in MACT No. 271/2012 whereby the MACT awarded Rs.55,35,000/- along with interest at the rate of 9% per annum.

2. The accident occurred on 10th July 2012 at about 6:35 am, when deceased/*Puneet Miglani* was travelling on his two-wheeler motorcycle bearing no. HR-05Q-0405 from Pathar Market to Outer Ring Road towards Deepali Chowk, when he suffered a collision with an Innova Car bearing no. HR-55-LT-4166 driven by respondent no.1. Due to the accident, the deceased fell down and received fatal injuries on his head. He was thereafter, taken to Jaipur Golden Hospital where he succumbed to his injuries. A criminal case was registered vide FIR No. 254/12 in PS. Mangol Puri.

3. *Mr. Taiyab Khan*, counsel for claimant, has challenged the impugned

award essentially on the ground that the MACT erred in applying the multiplier as per the age of the mother of deceased, who was 45 years of age, however, the deceased was 23 years of age at the time of accident and therefore, multiplier should be taken as 18. In that regard, counsel for claimant, has drawn the attention of this Court to *paragraph 14* of the impugned award, which is extracted as under:

> *"14. Counsel for petitioner submits that as per the voter identity card placed on record with Dar report, <u>the age of mother of deceased who is petitioner No.2 in the present petition has been mentioned as 45 years as per the voter card placed on record at the time of been disputed by the counsel for insurance company, so in view of the judgment of Supreme Court given in Saria Verma vs. DTC 2009 and as per said Judgment multiplier of 14 has to be applied to the income of the deceased,</u> as per the Sarla Verma Judgment hence the deduction of 1/2 from the income of deceased has to be made upon his personal expenses…"*
>
> (emphasis added)

4. This Court has perused the impugned award and in view of the principles in ***Sarla Verma v. DTC**,* (2009) 6 SCC 121 and ***National Insurance Company Limited v. Pranay Sethi*** (2017) 16 SCC 680, the multiplier ought to have been taken as 18.

5. Considering that the deceased was below 40 years, future prospects would have to be awarded at the rate of 40% in view of the observations made by the Supreme Court in ***Pranay Sethi*** (*supra*). Relevant observations of the Court are extracted as under:

> *"**59.4.** <u>In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years</u>. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was*

between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component."

(emphasis added)

6. The Tribunal has awarded Rs. 1,00,000/- towards loss of love and affection, which has been subsumed under the head of loss of consortium as per the decision of the Supreme Court in ***United India Insurance Co. Ltd. v. Satinder Kaur*** (2021) 11 SCC 780, therefore, the same shall be omitted.

7. Compensation awarded under other non-pecuniary heads shall have to be standardized in accordance with ***Pranay Sethi*** (*supra*). Relevant findings of the Court are extracted as under:

"*52. As far as the conventional heads are concerned, we find it difficult to agree with the view expressed in Rajesh [Rajesh v. Rajbir Singh, (2013) 9 SCC 54]. It has granted Rs 25,000 towards funeral expenses, Rs 1,00,000 towards loss of consortium and Rs 1,00,000 towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh Devi [Santosh Devi v. National Insurance Co. Ltd., (2012) 6 SCC 421], it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that*

<u>reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads</u>."

(emphasis added)

8. Therefore, funeral expenses shall be awarded at Rs. 15,000/-; loss of estate shall be awarded at Rs. 15,000/- and loss of consortium shall be awarded at Rs. 40,000/-.

9. Further, MACT has awarded Rs. 50,000/- towards loss of gratuitous services, which cannot be sustained in view of the above observations made in ***Pranay Sethi*** (*supra*).

10. Accordingly, the revised computation is as under:

S. No.	**Heads**	**Awarded by the Tribunal**	**Awarded by this Court**
1	Income of deceased (A)	Rs. 5,00,000/-	Rs. 5,00,000/-
2	Add: Future Prospects (B)	Rs. 2,50,000/-	Rs. 2,00,000/-
3	Less: Personal expenses of deceased (C)	Rs. 3,75,000/-	Rs. 3,50,000/-
4	Loss of dependency (A+B)-C=D	Rs. 3,75,000/-	Rs. 3,50,000/-
5	Multiplier (E)	14	18
6	Total loss of dependency (D x E)= (F)	Rs. 52,50,000/-	Rs. 63,00,000/-
7	Compensation for loss of consortium (G)	-	Rs. 40,000/-

8	Compensation for loss of love and affection (H)	Rs. 1,00,000/-	-
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	Loss of gratuitous services (K)	Rs. 50,000/-	-
12	Total compensation (F+G+H+I+J=K)= L	Rs. 54,35,000/- (MACT Awarded 55,35,000/-)	Rs. 63,70,000/-
13	Rate of Interest Awarded	9%	9%

Directions

11. For the aforesaid reasons, compensation has been enhanced by *Rs. 8,35,000/-* ["***enhanced amount***"].

12. It is therefore directed as under:

i. Enhanced amount along with *9%* interest per annum from the date of filing the petition shall be deposited before Registrar General of this Court within a period of four weeks and will be released to the claimant, considering that the matter has been pending for the last 13 years.

ii. By order dated 28th October 2013, this Court had directed the Insurance Company to deposit the entire originally awarded amount before the Registrar General of this Court and 40% of the said amount had been released as per the terms and conditions fixed by the MACT, with the remaining amount to be kept in an interest-bearing fixed deposit. Remaining amount from the original compensation shall be disbursed as per the terms and conditions fixed by the MACT.

13. Accordingly, the appeal is disposed of in the above terms.

14. Pending applications, if any, are also disposed of as being rendered infructuous.

15. Considering that the appeal filed by respondent no.3/Insurance Company has been dismissed, a direction for refund of statutory deposit to respondent no.3/Insurance Company has already been provided in ***MAC APP. 969/2013***.

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

ANISH DAYAL, J

APRIL 9, 2026/MK/*sp*