



2026:DHC:2245



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: 17th March 2026*+ **MAC.APP. 318/2019**

SHEELO DEVI & ORS

.....Appellants

Through: Ms. Nazneen Khan, Mr Anupam
Kumar Singh, Advocates.

versus

SURESH & ORS

.....Respondents

Through: Ms. Rakhi Dubey, Ms. Arpita
Srivastava, Advocates for
Respondent no.3/Insurance
Company.**CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J (ORAL)**

1. This appeal has been filed seeking enhancement of compensation awarded at Rs.5,86,000/- along with 9% interest by Motor Accident Claims Tribunal, Shahdara District, Karkardooma Courts, Delhi ('**MACT**') *vide* award dated 18th July 2018, in MAC No.1363/2016, in respect of accident which occurred on 10th September 2014, when *Ram Niwas* (the deceased), who was travelling on his motorcycle, was hit by an offending vehicle bearing registration no. HR-16A-2801 resulting in fatal injuries.

2. The claim was filed by his wife and five children which was allowed and compensation was awarded by the MACT *vide* the impugned award. FIR no. 689/14 was registered under Section 279/304A of the Indian Penal Code,



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1860 and criminal proceedings were also initiated against the driver, who was charge sheeted. The claim was made that deceased was drawing a salary of Rs.15,500/- per month, however, no document had been placed on record. Accordingly, the minimum wages for an unskilled worker in Haryana, i.e. Rs. 6,507/- per month, were taken into consideration.

3. Counsel for appellant submits that the salary certificate could not be produced during the MACT proceedings. However, the said certificate, now produced, is undated, unstamped and does not disclose the name of the issuing authority; therefore, it cannot be relied upon or taken on record. In these circumstances, the MACT's assessment with respect to the benchmark income is sustained.

4. However, on the issue of multiplier, the MACT did not have any proof of age before it and, therefore, assessed the age at 56 years on the following basis:

“7.2. Age of deceased: To determine the compensation in a fatal case, petitioners are required to prove the age and income of the deceased as well as number of dependents to make necessary deductions towards the personal expenses of the deceased. The age of deceased is necessary to apply the multiplier. Petitioners have disclosed the age of the deceased as 51 years in petition, whereas no document regarding the age of deceased has been placed on record to ascertain his age. His postmortem report has been proved his age as 48 years, whereas age of his wife, on the day of accident, as per voter ID, was more than 50 years. Deceased was having married children with age of more than 30 years which suggests that his age was much more than disclosed. In the absence of any specific document regarding the age of deceased, I hereby consider the average the age of deceased as 56 years. As such, age of deceased was 56 years on the day of accident and is taken accordingly for the purpose of this claim.”



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5. It is an accepted position that the eldest child was 29 years of age at the time of the accident, while the wife was about 50 years old. The assessment of the deceased's age by the MACT at 56 years is merely a 'guesstimate', an approximation, and lacks any cogent basis. There is no reason why the deceased could not have been placed within the age bracket of 51 to 55 years, which provides a reasonable range to accommodate such estimation, rather than placing him in the higher bracket of 56 to 60 years.

6. In this regard, this Court of the opinion that a more just and reasonable assessment would be to take the age group of 51 to 55 years and apply a multiplier of 11.

7. Further, considering that there are six claimants, namely, the wife and five children of the deceased, in order to align the compensation under the head of *loss of consortium* with the principles enunciated by the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680, and *Magma General Insurance Co. Ltd. v. Nanu Ram*, (2018) 18 SCC 130, a sum of Rs.40,000/- shall be awarded to each of the six claimants. Accordingly, the total compensation under the head of *loss of consortium* shall be Rs. 40,000/- $\times 6 =$ Rs. 2,40,000/-.

8. Accordingly, the revised compensation is as under:

S.n o.	Heads of Compensation	Awarded by the Tribunal	Awarded by this Court
1.	Loss of income per month (A)	Rs. 6,507/-	Rs. 6,507/-
2.	Future Prospects @10% (B)	Rs. 651/-	Rs. 651/-
3.	Less Personal expenses of the deceased (C) 1/3 rd	Rs.2,386/-	Rs.2,386/-
4.	Monthly Loss of Dependency (A+B-C=D)	Rs.4,772/-	Rs.4,772/-



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5.	Annual loss of dependency (D x 12=E)	Rs.57,264/-	Rs.57,264/-
6.	Multiplier (F)	9	11
7.	Total loss of dependency (E x F = G)	Rs.5,15,354/-.	Rs.6,29,904/-
8.	Compensation for loss of consortium (H)	Rs.40,000/-	Rs.2,40,000/-
9.	Compensation for loss of estate (I)	Rs.15,000/-	Rs.15,000/-
10.	Compensation towards funeral expenses (J)	Rs.15,000/-	Rs.15,000/-
11.	Total compensation (G+H+I+J = K)	Rs.5,86,000/-	Rs.8,99,904/-
12.	Rate of Interest Awarded	9%	9%

9. Enhanced compensation along with 9% interest from the date of filing shall be deposited by the Insurance Company before the MACT within a period of four weeks and be released to the claimants within a period of four weeks as per the directions of the MACT.

10. Appeal stands disposed of in terms of the above. Pending applications, if any, are rendered infructuous.

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

(ANISH DAYAL)
JUDGE

MARCH 17, 2026/ak/zb

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By: MANISH KUMAR
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