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

\# **CNR No. DLHC010249442019**

\+ MAC.APP. 611/2019 & CM APPL. 25985/2019

ANITA DEVI & ORS .....Appellant

Through: Mr. Yogesh Swaroop, Ms. Shivangi Singh, Mr. Divyansh Baveja and Ms. Km. Mamta Devi, Advs.

versus

RAHUL & ORS (M/S NATIONAL INSURANCE CO LTD)
.....Respondent

Through: Mr. Manoj Bhandari, Adv. for R-3 (NIC).

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% 28.10.2026

1. This appeal has been filed seeking enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Central District, Tis Hazari Courts, Delhi ['***MACT/Tribunal***'] *vide* judgment dated 06th July 2018, passed in *MACT No. 357009/2016*, whereby compensation of *Rs.12,83,000/-* along with interest at the rate of 9% per annum, was awarded ['***impugned award***'].

2. *Mr. Yogesh Swaroop*, counsel for appellants/claimants, has sought enhancement on the following counts:

i) ***firstly***, that *loss of consortium*, awarded at *Rs. 40,000/-*, ought to have been awarded in respect of *5 persons*, since there had been *5 claimants*, including, *widow*, *2 minor children*, and *parents* of the

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deceased; and,

ii) ***secondly***, that the deduction towards *personal and living expenses* ought to have been made at 1/4th instead of 1/3rd, considering that there had been *5 dependants*. He contends that parents of the deceased were old and were not earning any income and that the deceased was their main source of income.

3. The Court has examined the record and finds that the claim petition had been filed on behalf of the *wife* and *minor daughter* of the deceased. The MACT noted that *another daughter* of the deceased was in the womb at the time of the accident and was born subsequently. In addition to this, the *parents* of the deceased, as well as his *minor brother*, were also claimants.

4. In view of the above, it can reasonably be concluded that there were essentially *six claimants*.

5. Accordingly, in terms of 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, the *loss of consortium* shall be awarded to all of them, at *Rs.40,000/-* each .

6. As regards the second issue of deductions towards *personal and living expenses*, apart from from the *wife* and *two minor daughters*, the array of claimants also included the *minor brother* and *parents* of the deceased.

7. Even though the Insurance Company has contended that the father of the deceased was aged about *58 years* and, therefore, was not a dependant, the evidence of wife of the deceased/**PW-1**, which has been pointed out, that states that father of the deceased was not working and was, therefore, dependent upon the income of the deceased and his brother. **PW-1** further stated that both the parents of the deceased were unemployed due to

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prolonged ill health.

8. However, during **PW-1's** cross-examination, no specific details regarding their ill health could be elicited, nor was any document filed in this regard. On this basis, counsel for the Insurance Company states that the plea that the parents and the minor brother of the deceased were dependent upon the income of the deceased cannot be sustained.

9. Accordingly, the deduction towards *personal and living expense* at 1/3rd shall be sustained.

10. The revised compensation, on account of enhancement in the *loss of consortium*, shall be calculated as under:

S. NO.	HEADS	AWARDED BY THE TRIBUNAL	AWARDED BY THIS COURT
1.	Annual Income of deceased (A)	Rs. 72,165/-	Rs. 72,165/-
2.	Add Future Prospects (B) @ 25%	Rs. 28,866/-	Rs. 28,866/-
3.	Less Personal expenses of the deceased (C) @ 1/4rd	Rs. 33,677/-	Rs. 33,677/-
4.	Annual loss of dependency (D) [(A+B)-C]	Rs. 67,657/-	Rs. 67,657/-
5.	Multiplier (E)	18	18
6.	Loss of dependency [F] [DXE]	Rs. 12,12,372/-	Rs. 12,12,372/-
7.	Compensation for loss of consortium (G)	Rs. 40,000/-	**Rs. 2,40,000/-**
8.	Compensation for loss of estate (H)	Rs. 15,000/-	Rs. 15,000/-
9.	Compensation towards funeral expenses (I)	Rs. 15,000/-	Rs. 15,000/-
10.	Total compensation	Rs. 12,83,000/-	Rs. 14,82,372/-

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	(F + G + H+I = J)		
11.	Interest	9%	9%
12.	**Enhanced compensation**	**Rs. 1,99,372/-**	

Directions

11. For aforesaid reasons, compensation has been enhanced by ***Rs.1,99,371/-*** [‘***enhanced amount***’].

12. Enhanced amount along with *9%* interest per annum from the date of filing the petition shall be deposited before MACT within a period of *four weeks* and shall, thereafter, be released in favour of the claimant as a lump sum. The said amount shall be in released terms of the apportionment provided by the MACT *vide* impugned award**.**

13. The originally awarded amount along with accrued interest thereon, if not already released, shall be released in favour of the claimants in terms of the directions passed by the MACT *vide* impugned award.

14. Accordingly, the appeal is disposed of.

15. Pending applications, if any, are rendered infructuous.

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

ANISH DAYAL, J

OCTOBER 28, 2026/MK/ya

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