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

\+ MAC.APP. 257/2021 & CM APPL. 32066/2021

UNIVERSAL SOMPO GEN INS CO LTD .....Appellant

Through: Mohammad Mustafa, Ms. Arpita Biswas, Advocates (through VC).

versus

ARTI VISHNOI AND ORS. .....Respondents

Through: Mr. S.N. Parashar, Mr. Ritik Singh, Advocates for Respondent Nos.1-5.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% 01.04.2026

1. This appeal has been filed by the Insurance Company assailing the award dated 4th September 2020 passed by the Motor Accident Claims Tribunal, Saket Courts, New Delhi (‘***MACT***’) in MACT No.773/2018, where compensation of *Rs.1,03,98,417*/- along with interest *@9%* was awarded.

2. The accident occurred on 30th June 2018 at about 3:00 AM, when deceased was travelling from *Police Line Noida* to his residence by car. When deceased reached *Surajpur Police Line*, a truck bearing registration no. UP 16DT 9471 came from opposite side in a rash and negligent manner and collided with the car which resulted in grievous injuries to deceased. He was taken to Kailash Hospital Greater Noida and was later referred to Taurus Hospital, Kanpur where he died on 12th July 2018.

3. The deceased/*Rahul Vishnoi* had a substantial private job in *Hindustan Coca Cola Beverage Pvt. Ltd* and was earning *Rs.60,000*/- per month at the

time of the accident.

4. The primary issue raised by *Mohd. Mustafa*, counsel for appellant/Insurance Company, is that the deduction towards *personal and living expenses* should have been taken at *1/3rd* and not *1/4th*. The MACT took the deduction towards *personal and living expenses* at *1/4th*, considering four dependents, namely the wife, one child and two parents.

5. Counsel for appellant submits that the father, being 56 years of age, could not have been considered as a dependent.

6. Conversely, *Mr. S.N. Parashar*, counsel for respondents/claimant, refers to the testimony of the **PW1**/*Ms. Arti Vishnoi,* wife of the deceased, who stated in her evidence by way of affidavit that the *Raj Kishore* and *Manju*, parents of deceased, were dependent on him at the time of accident, as he was the sole breadwinner of the family. In her cross-examination, she was confronted on this issue by counsel for the Insurance Company and she reiterated that her father-in-law *i.e.* father of the deceased was not doing any job and they had no family business.

7. No evidence was produced by the Insurance Company to disprove the Evidence by way of affidavit of **PW-1**, except for suggestions made during cross-examination. However, since **PW1** sustained her testimony, there was no reason to consider and impute that father of deceased was not a dependent.

8. *Mohd. Mustafa* states that 56 years of age male member of the family would certainly be earning income for the family. However, that would be in the realm of speculation and there can be no standard measure in this regard.

9. Considering the specific statements made by **PW1**, which she sustained in her testimony, there is no reason for this Court to accept the plea of the Insurance Company. Therefore, the impugned award does not warrant

any interference.

10. By order dated 17th September 2021, the Court directed the deposit of the entire compensation amount with MACT and further directed release of *85%* of compensation amount along with *6%* interest. Considering the appeal has been dismissed, the balance deposited compensation amount along with accrued interest at the rate of *9%* per annum, as directed by the MACT, be released in favour of claimants, as per the scheme of disbursal in the impugned award.

11. Accordingly, the appeal is dismissed. Pending applications are rendered infructuous.

12. Statutory deposit, if any, be refunded to the appellant.

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

ANISH DAYAL, J

APRIL 1, 2026/ak/zb