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

\+ MAC.APP. 198/2014

SMT SAVITA & ANR .....Appellant

Through: Mr. S.N. Parashar and Mr. Ritik Singh, Advs.

versus

UTTARAKHAND TRANSPORT CORP. .....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **09.04.2026**

1. This appeal has been filed assailing Judgment and Award dated 21.05.2013 (hereinafter, '***impugned judgment***') passed by the Motor Accident Claims Tribunal ('***MACT***'), Karkardooma Courts, New Delhi (hereinafter, '***Tribunal***'), in Motor Accident Claim Petition No. 247/2011 whereby the Tribunal awarded Rs.9,79,599/- alongwith interest at the rate of 7.5% per annum to parents/LRs of deceased *Bharat Kumar (hereinafter, '**claimants**').*

2. The accident took place on 23rd April 2011 at about 2:30 pm, when Bharat Kumar ('***deceased***') was coming home on his motorcycle bearing no. DL-13S-5452 from UP Border *via* Shadara Flyover. When the deceased reached GT Road Flyover, Shahdara, a bus bearing no. UA-07H-8815 owned by Uttranchal Roadways/respondent, being driven in a rash and negligent manner hit the motorcycle of deceased from the back side, resulting in

grievous injuries to the deceased. He was taken to GTB Hospital, Shahdara, where he was declared as '*brought dead'*.

3. *Mr. S.N. Parashar*, counsel for claimants, has challenged the impugned judgment seeking enhancement of the compensation amount on two counts. ***First***, future prospects have been awarded at 30%, considering the age of claimants, whereas, it should have been 40%, considering that the deceased was 23 years of age at the time of accident. ***Second,*** the Tribunal has taken the multiplier as '14', basis the age of claimants, whereas, it should have been 18, considering the age of deceased.

4. In this regard, *Mr. S.N. Parashar*, counsel for claimants, points to be *paragraph 12* of the impugned judgment, which is extracted as under:

> *"12. On the other hand, counsel for respondents submit that since there is no fixed employment, the future prospects cannot be considered. The argument of the counsel for respondents is not sustainable as there is no law which bars a person without fixed employment to develop and improve his standard of life and his capacity to earn more. Even otherwise, the quantum of Minimum Wages itself, is revised time to time by the Government which only proves that there is a scope for future prospects even to the labourers of unorganized sector. Therefore, I am of the opinion that the quantum of compensation shall contain the future prospects @ 30% considering the age of the parents who are the dependents. By keeping in view the above aspects in view the compensation is calculated as below :*
>
> > *30% increase in income of the deceased would come to Rs.10,173/- [Rs.7,826 + Rs.2,347 (30% of 7,826/-)] Deceased being unmarried 50% is deducted for his personal expenses and remaining comes to Rs.5,087/- p.m. [Rs. 10,173-5,086.50 (50% of 10,173)]. It is settled that in case of death of an unmarried person, the multiplier shall be as per the average age of parents which is 14 in the present case. Accordingly total annual*

> *loss of income would be Rs.5,087 X 12 X 14 (multiplier) = Rs. 8,54,599/-."*
>
> (emphasis added)

5. In view of the principles enunciated in ***National Insurance Company Limited v. Pranay Sethi*** (2017) 16 SCC 680, considering that the deceased was 23 years of old at the time of the death, the future prospects would be awarded at 40%. As regards, the issue of multiplier, same shall be considered as '18' relying upon the findings of the Court in ***Sarla Verma v. DTC****,* (2009) 6 SCC 121 and ***Pranay Sethi*** (*supra*).

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.

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. <u>Therefore, we think it seemly to fix reasonable sums. It seems to us that 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. 80,000/- (40,000 x 2), since there were two claimants.

9. Accordingly, the revised computation is as under:

S. No.	**Heads**	**Awarded by the Tribunal**	**Awarded by this Court**
1	Income of deceased (A)	Rs. 7,826/-	Rs. 7,826/-
2	Add: Future Prospects (B)	Rs. 2,347.8/-	Rs. 3,130.4/-
3	Less: Personal expenses of deceased (C)	Rs. 5,086.5/-	Rs. 5,478/-
4	Loss of dependency (A+B)-C=D	Rs. 5,087/-	Rs. 5,478/-
5	Annual loss of dependency (Dx12) = (E)	Rs. 61,044/-	Rs. 82,170/-

6	Multiplier (F)	14	18
7	Total loss of dependency (E x F)= (G)	Rs. 8,54,616/-	Rs. 14,79,060/-
8	Compensation for loss of consortium (H)	-	Rs. 80,000/-
9	Compensation for loss of love and affection (I)	Rs. 1,00,000/-	-
10	Compensation for loss of estate (J)	-	Rs. 15,000/-
11	Compensation towards funeral expenses (K)	Rs. 25,000/-	Rs. 15,000/-
12	Total compensation (G+H+I+J=K)= L	Rs. 9,79,599/-	Rs. 15,89,060/-
13	Rate of Interest Awarded	7.5%	7.5%

10. For the aforesaid reasons, compensation has been enhanced by *Rs.6,09,461*/- ["***enhanced amount***"].

11. It is therefore directed as under:

(i) Enhanced amount along with 7.5% interest per annum from the date of filing of the claim shall be deposited before the Registrar General of this Court within a period of four weeks. Considering that the matter is 13 years old, the enhanced amount deposited before the Registrar General, along with accrued interest, shall be released to the claimants as a lump sum amount.

(ii) By order dated 11th September 2013, this Court had directed the respondent/Corporation to deposit the entire originally awarded amount along with accrued interest before the Registrar General of this Court 60% of the said amount had been released as per the terms of conditions fixed by the Tribunal through the UCO Bank, Delhi High Court Branch. Balance 40% from the original compensation amount, will also be released in terms of the directions of the Tribunal.

12. The appeal stands disposed of, accordingly.

13. Pending applications, if any, as being rendered infructuous.

14. Considering that the appeal of respondent/Corporation has been dismissed, a direction for refund of statutory deposit to respondent/Corporation has already been provided in ***MAC APP. 836/2013***.

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

ANISH DAYAL, J

APRIL 9, 2026/MK/*sp*