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

% ***Date of decision: 26th May 2026***

\+ **MAC.APP. 405/2024 & CM APPL. 44317/2024 & 68311/2024**

UNITED INDIA INSURANCE COMPANY LTD .....Appellant

Through: Ms. Shikha Sapra, Adv.

versus

ANSHU & ORS. .....Respondents

Through: Mr. Manish Kumar Sharma, Adv. for R-1 to 4.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J :(ORAL)

1. This appeal has been filed assailing the impugned award dated 16th February 2024, passed by the Motor Accident Claims Tribunal, Central, Tis Hazari Courts, Delhi ('***MACT/Tribunal***') in MACT No.152/2022, awarding compensation of *Rs.58,53,859*/- along with interest @ *8%* per annum.

2. *Ms. Shikha Sapra*, appears for the appellant/Insurance Company and challenges the impugned award on two grounds: ***first***, that while calculating loss of dependency, the father was considered to be a dependent on the deceased, even though he was *58 years of age* and there being no evidence to show that he was dependent on the income of the deceased and, therefore, the deduction towards *personal expenses* ought to have been 1/3rd instead of 1/4th as granted by the MACT; and ***second***, that the offending vehicle was seized after 22 months and the Mechanical Inspection Report

did not show any damage to the vehicle.

3. Dealing with the ***latter*** issue first, it is noted that the accident occurred on 21st February 2020, where *Sh. Vikas Chaudhary* (*deceased*) and *Sh. Vikash Kumar* (*driver*) were travelling in their *Scorpio* car *via* Outer Ring Road. When they reached near *Wazirabad* Flyover, a truck bearing registration number HR-55P-2740 came from behind on the left side of the car, without giving any signal, took a right turn and hit the *Scorpio* car. Due to the impact, the front left side portion of the Scorpio car was badly damaged. The car turned turtle, and both the occupants sustained crushed injuries. PCR arrived at the spot, and the injured persons were moved to the Trauma Centre.

4. FIR No.57/2020 was registered at P.S. Wazirabad under Sections 279/337/304A of the IPC.

5. The claim for compensation was filed on behalf of the deceased, who was 30 years of age and self-employed. While dealing with the issue of negligence, the MACT noted the testimony of **PW3**, injured-eyewitness *Sh. Vikash Kumar,* who gave the details of the accident. He was cross-examined by all the respondents but sustained his testimony.

6. Moreover, the charge-sheet has finally been filed against the driver of the offending vehicle, and charges have been framed, and the trial is proceeding ahead, as informed by the counsel for the claimants.

7. On the issue of the Mechanical Inspection Report, the Insurance Company had taken this objection before the MACT; however, it was rejected by the MACT on the ground that after 22 months, the Mechanical Inspection Report would not have much meaning. The CCTV footage, obtained from CNG Pump House near *Metcalfe House*, shows the

registration number of the offending vehicle.

8. Aside from this, the Mechanical Inspection Report also shows damage on the front left side mudguard and dent and scratch marks near the front left side headlight portion.

9. Keeping this in mind, the Court is not inclined to intercede in the findings of the MACT in this regard.

10. On the other issue of dependency, there is no evidence to suggest that the father of the deceased was dependent upon him, despite being 58 years of age. Therefore, the plea of the Insurance Company that personal expenses should be deducted at the rate of *1/3rd*, treating only the wife, child, and mother of the deceased as dependents, deserves consideration.

11. Trial Court Record (‘***TCR***’) has been placed on record and examined. As per the TCR, the Aadhaar Card of *Deshpal*, father of the deceased, shows his date of birth as 01st January 1964, whereas the PAN Card shows his date of birth as 15th July 1966. Either way, on the date of the accident, i.e., 21st February 2020, the father would have been either 54 or 56 years of age.

12. In this regard, the assertion made by *Ms. Shikha Sapra*, counsel for Insurance Company, that the father could not be considered a dependent on the deceased may have to be accepted, considering that no evidence has been placed on record by the claimants to establish such dependency. Even the testimony of **PW1**, *Anshu*, the wife of the deceased, does not advert to this aspect.

13. Accordingly, the deduction towards personal expenses shall be taken as 1/3rd instead of 1/4th.

14. The revised computation of compensation is as under:

Sr. No.	Heads	Awarded by the Tribunal	Awarded by the Court
1.	Monthly income of the deceased (A)	Rs.24,565.8/-	Rs.24,565.80/-
2.	Add-Future Prospects (B)	50%	50% of Rs.24,565.80/- = Rs. 12,282.90/-
3.	Less-personal expenses of the deceased (C)	1/4th	1/3rd of Rs. 36,848.70/- = Rs. 12,282.90/-
4.	Annual loss of dependency [(A+B) - C -D] x 12= E]	Rs.3,31,638.3/-	Rs. 2,94,789.60/-
5.	Multiplier (F)	17	17
6.	Total loss of dependency (E x F) = (G)	Rs.56,37,859/-	Rs. 50,11,423.20/-
7.	Compensation for loss of love and affection (H)	NIL	NIL
8.	Compensation for loss of consortium (I)	Rs. 1,76,000/-	Rs. 1,76,000/-
9.	Compensation for loss of estate (I)	Rs. 20,000/-	Rs. 20,000/-
10.	Compensation towards funeral expenses (J)	Rs. 20,000/-	Rs. 20,000/-
11.	Total Compensation (F+G+H+I+J = K)	Rs.58,51,859/-	Rs. 52,27,423.20/- (rounded to Rs. 52,27,423/-)
12.	Interest Awarded	8% per annum	
13.	Reduced Compensation	**Rs. 6,24,436/-**	

15. Accordingly, the compensation is reduced by *Rs. 6,24,436/-*.

16. The entire amount was deposited pursuant to the Court's order dated 05th August 2024, with the Registrar General of this Court.

17. Accordingly, as per the revised compensation, the additional/excess amount along with accrued interest will be refunded to the Insurance Company.

18. It is noted that by order dated 04th December, 2024, this Court had released *Rs.53,333/-,* whereas an amount of *Rs. 5,00,000* was deposited in 5

FDRs. Considering request made by counsel for the claimants for release of a higher amount in order to meet the financial needs, accordingly, since the appeal has been disposed of, a lump sum amount of *Rs.15,00,000/-* will be released in favour of the wife of the deceased, respondent no. 1, and lump sum amount of Rs.*5,00,000/-* will be released in favour of respondent no. 3, mother of the deceased.

19. The balance amount will continue to remain in FDRs and be disbursed as per the scheme of disbursal in the MACT award.

20. Accordingly, the appeal is disposed of. Pending applications (if any) are rendered infructuous.

21. Statutory deposit, if any, shall be refunded to appellant/Insurance Company.

22. The date already fixed stands cancelled.

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

(ANISH DAYAL)
JUDGE

MAY 26, 2026/ab/bp