2026:DHC:3434

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

% ***Date of decision: 24th April 2026***

\+ **MAC.APP. 961/2019**

POOJA DEVI & ORS .....Appellants

Through: Mr. S.B. Pandey, Advocate.

versus

MOHIT SHARMA & ORS (NATIONAL INSURANCE CO LTD) .....Respondents

Through: Mr. C.B. Parashar, Advocate for Respondent no.3/Insurance Company (through VC).

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. This this appeal has been filed seeking enhancement of compensation awarded *vide* Award dated 21st August 2019 passed by the Motor Accident Claims Tribunal, Central, Tis Hazari Courts, Delhi ('***MACT***') in MACT No.340/2018, wherein compensation of *Rs.15,13,000*/- along with interest @ *9%* per annum was awarded.

2. The brief facts are that the accident occurred on 12th September 2017 at about 3:00 PM. The deceased was standing on the footpath when the offending vehicle bearing registration no. HR-05-AP-0086 came at a very high speed, in a rash and negligent manner, and struck the deceased, resulting in fatal injuries.

3. The only issue raised by the appellant/claimant, represented through *Mr. S. B. Pandey*, Advocate, is that the learned MACT assessed the income of the deceased on the basis of minimum wages applicable to unskilled workers in Bihar, despite documentary evidence showing that the deceased and his wife were residing and working in Delhi.

4. In support of this contention, reliance is placed on various documents, including: the address provided by **PW-1**, the wife of the deceased, *Ms. Pooja Devi*, being H. *No. 13A/27, WEA, Karol Bagh, Delhi*; the receipt of the dead body dated 13th September 2017; the statement of *Mr. Raman Kumar* dated 12th September 2017, who was working with the deceased; and the statement of *Mr. Dalip Kumar* dated 12th September 2017.

5. Further reliance is placed on the Aadhaar Card of **PW-1**, exhibited as **Ex. PW-1/1**, which reflects that the residence of the deceased was in Delhi.

6. Counsel for the respondent, however, contends that the statement of *Mr. Raman Kumar* merely indicates that prior to the date of the accident, they were working and residing in Delhi at Karol Bagh, but there is no categorical assertion that they were working in Delhi on the date of the accident. It is further contended that appellant's own version suggests that they were not residing in Delhi at the relevant time.

7. The appellant, who is the wife of the deceased, has stated that although they were permanent residents of *Muzaffarpur, Bihar*, at the time of the accident the deceased, along with his wife, children, and parents, was residing at *13A/27, WEA, Karol Bagh, New Delhi–110005.* This is also corroborated by the Aadhaar Card. It is further stated that the deceased was employed with *M/s Ramji Electronics* and that they were residing in the residential portion of the employer's office, which was subsequently sealed and demolished.

8. The claimant was not able to trace the employer who had left that place. For some time, they took some temporary arrangements in order to continue with their lives.

9. Not only is the statement of *Mr. Raman Kumar* being considered, but also statement of *Mr. Dalip Kumar*, who also was a co-worker with the deceased, who also stated that both him and deceased were working in Delhi and residing at *13A/27, WEA, Karol Bagh, New Delhi-5* and were working with one *Vipin Kumar Bansal* as Labour.

10. In these circumstances, there is no reason why the MACT has chosen to take the minimum wages applicable in the Bihar, when the evidence points to the fact that they were working in Delhi at that time and the place of the accident will not invite assessment of income applicable in that location.

11. Minimum wages of Bihar taken at that time were *Rs.6,162*/- per month, whereas minimum wages for unskilled workers applicable in Delhi on that date were *Rs.13,350*/- per month.

12. Further, considering that there are four claimants, namely, the wife, one child and parents 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 four claimants. Accordingly, the total compensation under the head of *loss of consortium* shall be *Rs. 40,000/- × 4 = Rs. 1,60,000/-.*

13. Compensation awarded under the head of *loss of love and affection* shall be nil, in view of the law laid down in ***United India Insurance Co. Ltd. v. Satinder Kaur***, (2021) 11 SCC 780.

14. Accordingly, impugned award of MACT is modified and recomputed as under:

S. no.	**Heads of Compensation**	**Awarded by the Tribunal**	**Awarded by this Court**
1.	Loss of income per month (A)	Rs. 6,162/-	Rs. 13,350/-
2.	Future Prospects @40% (B)	Rs. 2,464.8/-	Rs. 5,340/-
3.	Less Personal expenses of the deceased (C) *1/3rd*	Rs.2,875.6/-	Rs. 6,230/-
4.	Monthly Loss of Dependency (A+B-C=D)	Rs. 5,751/-	Rs. 12,460/-
5.	Annual loss of dependency (D x 12=E)	Rs. 69,014/-	Rs. 1,49,520/-
6.	Multiplier (F)	18	18
7.	Total loss of dependency (E x F = G)	Rs. 12,42,252/-	Rs. 26,91,360/-
8.	Compensation for loss of consortium (H)	Rs.40,000/-	Rs. 1,60,000/-
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.	Loss of love and Affection (K)	Rs. 2,00,000/-	Nil
12.	Total compensation (G+H+I+J = L)	Rs. 15,12,252/- Rounded off: 15,13,000/-	Rs. 28,81,360/- Rounded off: 28,82,000/-
13.	Rate of Interest Awarded	9%	9%

15. Enhanced compensation will be deposited before the *State Bank of India, Tis Hazari Courts* by respondent no.3/Insurance Company within a period of four weeks.

16. It is therefore directed as under: 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. It is directed that a lump sum amount of *Rs. 2,00,000/-* shall be released to the claimant from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts (***FDRs***) of *Rs. 15,000/-* each for periods of 1 month, 2 months, 3 months and so on, in succession as may be calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of claimant. The amount of FDRs on maturity would be released to the Savings Bank Account of claimant upon due verification.

17. A copy of this order be sent concerned Bank for necessary information and compliance.

18. Appeal is allowed and stands disposed of in above terms. Pending applications, if any, are rendered infructuous.

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

(ANISH DAYAL)
JUDGE

APRIL 24, 2026/ak/*zb*