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

\+ MAC.APP. 221/2026 & CM APPL. 20119-20121/2026

MAGMA GENERAL INSURANCE LTD .....Appellant

Through: Mr. Ved Vyas Tripathi, Adv.

versus

INDER WATI & ORS. .....Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% **30.03.2026**

1. This appeal filed by the Insurance Company assailing the award dated 02nd September 2025 passed by the Motor Accident Claims Tribunal, Central, Tis Hazari Courts Delhi, ["***MACT***"] in ***MACT No.379/2022***, whereby compensation of *Rs.33,46,998/-* along with 9% interest per annum was awarded in favour of respondent nos.1 to 5 [*claimants*], who are legal heirs of deceased.

2. Claim Petition filed by claimants pertains to an accident which occurred on 11th December 2021 about 08.45 p.m., when *Sh. Kuwar Pal Singh* [*deceased*] was coming from *Azadpur* and going towards *Rish Apartment, near Tirath Ram Memorial Hospital Civil Lines, Delhi* to pick his scooter, when he was hit from behind by a Scooty bearing registration no. *DL-5SCE-4208* ["***offending vehicle***"], driven by respondent no.6 ['*driver-cum-owner'*] in a rash and negligent manner, without any proper indication and necessary precautions and in violation of traffic rules, struck the deceased from behind with a great force, as a result of which he fell down on the road and sustained grievous injuries. He remained admitted from 11th December

2021 to 19th December 202, but during course of treatment, he passed away. Criminal proceedings were initiated and subsequently, claim petition was filed. Deceased was 43 years of age at the time of the accident, and was working as an '*electrician*' and was earning *Rs. 20,000/-* to *Rs.22,000/-* per month.

3. MACT in the impugned award held that deceased lost his life due to rash and negligent driving of respondent no.6/ driver-cum-owner of the offending vehicle and awarded a compensation under various head, which is tabulated as under:

S.NO	HEADS	COMPENSATION AWARDED
1.	Income of deceased (A) (less Income Tax)	Rs.19,473/-
2.	Add Future Prospects (B)	25%
3.	Less Personal expenses of the deceased (C)	1/4th
4.	Monthly loss of dependency [(A +B)-C = D]	Rs.18,255.9375/-
5.	Annual loss of dependency (Dx12)	Rs.2,19,071.25/-
6.	Multiplier (E)	14
7.	Total loss of dependency (Dx12xE = F)	Rs.30,66,998/- (rounded off)
8.	Medical expenses (G)	Nil
9.	Compensation for loss of consortium (H)	Rs. 2,40,000/- *Spousal Consortium*: Rs. 48,000/- *Parental Consortium*: Rs. 96,000/- (Rs. 48,000/- X 2) *Filial Consortium*: Rs. 96,000/- (Rs. 48,000/- X 2)
10.	Compensation for loss of love and affection (I)	Nil
11.	Compensation for loss of estate (J)	Rs. 20,000/-
12.	Compensation towards funeral expenses (K)	Rs. 20,000/-
Total Compensation		**Rs.33,46.998/-**

(F+G+G+I+J+K = L)	
Interest	**9%**

4. *Mr. Ved Vyas Tripathi*, counsel for Insurance Company has challenged the award on the sole ground that minimum wages of '*matriculate'* have been wrongly considered and, instead, minimum wages of an '*unskilled*' worker ought to have been taken into consideration by MACT.

5. This assertion of counsel for Insurance Company is contrary to the evidence on record, inasmuch as the testimony of *Smt. Inderwati*, wife of deceased [**PW-1**], stated that her husband was an '*electrician*' by profession and was doing work in nearby areas and was earning more than *Rs.20,000/- to Rs.22,000*/- per month due to his independent work. She stated that he was making all efforts to increase his expertise, knowledge and skill in his filed and was taking care of his whole family.

6. During cross examination, she denied suggestion that her deceased husband was not an electrician and was not earning the amount claimed by her. There is no other rebuttal by Insurance Company to contend that deceased was not an '*electrician*' by vocation.

7. Moreover, the Supreme Court has stated in ***Ramachandrappa vs. Manager, Royal Sundaram Alliance Insurance Company Limited*** (2011) 13 SCC 236 and ***Syed Sadiq Etc. v. Divisional Manager, United India Insurance Company Limited*** (2014) 2 SCC 735, that there is seldom any documentation available in respect of work in informal sector. Further, the minimum wages of a '*matriculate'* have been taken in view of the unrebutted testimony that the deceased was working as an '*electrician*' and, considering his age of 43 years, it can reasonably be inferred that he possessed sufficient experience and skill in his vocation. Relevant paragraphs of the said judgements are extracted as under:

a) ***Ramachandrappa vs. Manager, Royal Sundaram Alliance Insurance Company Limited*** (*supra*):

> *"13. In the instant case, it is not in dispute that the appellant was aged about 35 years and was working as a coolie and was earning Rs 4500 per month at the time of the accident. This claim is reduced by the Tribunal to a sum of Rs 3000 only on the assumption that the wages of a labourer during the relevant period viz. in the year 2004, was Rs 100 per day. This assumption in our view has no basis. Before the Tribunal, though the Insurance Company was served, it did not choose to appear before the court nor did it repudiate the claim of the claimant. Therefore, there was no reason for the Tribunal to have reduced the claim of the claimant and determined the monthly earning to be a sum of Rs 3000 per month. Secondly, the appellant was working as a coolie and therefore, we cannot expect him to produce any documentary evidence to substantiate his claim. In the absence of any other evidence contrary to the claim made by the claimant, in our view, in the facts of the present case, the Tribunal should have accepted the claim of the claimant.*
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> *14. We hasten to add that in all cases and in all circumstances, the Tribunal need not accept the claim of the claimant in the absence of supporting material. It depends on the facts of each case. In a given case, if the claim made is so exorbitant or if the claim made is contrary to ground realities, the Tribunal may not accept the claim and may proceed to determine the possible income by resorting to some guesswork, which may include the ground realities prevailing at the relevant point of time.*
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> *15. In the present case, appellant was working as a coolie and in and around the date of the accident, the wage of a labourer was between Rs 100 to Rs 150 per day or Rs 4500 per month. In our view, the claim was honest and bona fide and, therefore, there was no reason for the Tribunal to have reduced the monthly earning of the appellant from Rs 4500 to Rs 3000 per month. We, therefore, accept his statement that his monthly earning was Rs 4500.*"

(emphasis added)

b) ***Syed Sadiq Etc. v. Divisional Manager, United India Insurance Company Limited*** (*supra*):

> "***8.*** *The appellant claimant in his appeal further claimed that he had been earning Rs 10,000 p.m. by doing vegetable vending work. The High Court however, considered the loss of income at Rs 3500 p.m. considering that the claimant did not produce any document to establish his loss of income. It is difficult for us to convince ourselves as to how a labour involved in an unorganised sector doing his own business is expected to produce documents to prove his monthly income. In this regard, this Court, in Ramachandrappa v. Royal Sundaram Alliance Insurance Co. Ltd. [(2011) 13 SCC 236 : (2012) 3 SCC (Civ) 452 : (2012) 1 SCC (Cri) 825] , has held as under: (SCC pp. 242-43, paras 13-15)…………*
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> ***9.*** *There is no reason in the instant case for the Tribunal and the High Court to ask for evidence of monthly income of the appellant claimant. On the other hand, going by the present state of economy and the rising prices in agricultural products, we are inclined to believe that a vegetable vendor is reasonably capable of earning Rs 6500 per month.*"

(emphasis added)

8. Minimum wages of a '*skilled*' worker, as informed by *Mr. Ved Vyas Tripathi*, are also same as the minimum wages of a '*matriculate*', which have been taken as benchmark income for calculating *loss of dependency*.

9. In this view of matter, this Court is not inclined to entertain this appeal and the same is accordingly dismissed.

10. Pending applications are rendered infructuous.

11. Statutory deposit (if any), shall be returned to appellant.

12. Compensation awarded shall be disbursed as per the directions passed

by the MACT in the impugned award.

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

ANISH DAYAL, J

MARCH 30, 2026/sm