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

+ **MAC.APP. 1015/2013**

HEMLATA & ORS

.....Appellants

Through: Mr. Anshuman Bal, Advocate.

versus

NATIONAL INS CO LTD & ORS

.....Respondents

Through: Mr. S.L. Gupta, Mr. Ashutosh
Sharma, Ms. Gunjan Sharma,
Advocates.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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15.01.2026

1. This appeal has been filed assailing the impugned judgment/award dated 30th July 2013, passed by Motor Accidents Claims Tribunal (**MACT**), Karkardooma Courts (Shahdara), Delhi in M.A.C. Petition No. 1300/2010.
2. The appeal has been filed by Legal Representatives ('**LRs**') of the deceased, late *Sh. Satpal Singh*, who died in a roadside accident that occurred on 04th July 2009. The deceased was travelling on a motorcycle from *Sahibabad* to *Yamuna Vihar*, and when he reached near *Tulsi Niketan Chowki, Sahibabad*, a truck bearing No. HR-38F-9736, came from behind at a high speed, driven rashly and negligently, and hit the motorcycle. The deceased suffered injuries and died on the spot. At the time of the accident, the deceased was 60 years of age and was self-employed. It was claimed that he was earning Rs. 20,000/- per month.
3. Various defences were taken by the Insurance Company. Petitioner



no.1/*Smt. Hemlata*, wife of the deceased, examined herself as *PW-1*, and produced identification documents as well as the Matriculation Certificate of the deceased. She also presented the Registration Certificate of the deceased issued by the Bar Council of UP, where the deceased had registered as a lawyer on 25th May 2007, two years prior to the accident.

4. Although it was claimed that the deceased was earning *Rs.20,000/-* per month however, no documentary evidence was placed on record in that regard. Consequently, the Tribunal, considering that the deceased was a practicing advocate, assessed his income at *Rs.5,000/-* per month, approximated for minimum wages of a graduate on February 2009.

5. Appellant claims that the Tribunal had unnecessarily depressed the estimation of income and it would be reasonably assumed that the monthly income of a 60-year-old lawyer at that point of time would be higher than *Rs. 5,000/-* per month.

6. The total compensation of *Rs.5,15,000/-* was awarded, including non-pecuniary damages. As per counsel for appellant, the said compensation has already been released to appellant.

7. Counsel for Insurance Company made submissions in support of the impugned award and did not produce anything to counter the arguments of counsel for appellant.

8. In view of the same, considering the surrounding facts and circumstances, the estimation of monthly income at *Rs.5,000/-* may not be apposite for a 60-year-old person who had chosen to practice law close to his retirement age, which is a common practice for a number of people who wish to pursue law at the later stages of their life and are suitably compensated for their work.



9. To assess the income of the deceased based on minimum wages for a graduate may be stretching the assumption a bit too much which needs to be corrected.
10. Accordingly, seeing the overall facts and circumstances, instead of Rs. 5,000/- at least Rs. 10,000/- ought to have been granted, if not Rs. 20,000/- that has been claimed by the wife.
11. Therefore, a lump sum compensation of Rs. 6,00,000/- inclusive of all elements arising out of the enhanced assessment of income, computed over the period that has elapsed since the date of the accident, is considered appropriate and is hereby directed to be paid to appellant by the Insurance Company within a period of six weeks.
12. It is apposite to mention that, as per the impugned award, the right of recovery has been granted to the Insurance Company against respondent nos. 2 and 3, namely the driver and owner of the offending vehicle, in view of the finding that there was no valid permit for plying the offending vehicle, the Insurance Company cannot be saddled with liability and is entitled to recover the amount from respondent Nos. 2 and 3.
13. The appeal is allowed and disposed of in above terms. Pending applications (if any) are rendered infructuous.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 15, 2026/RK/zb