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

\+ MAC.APP. 503/2016

MAMTA & ORS .....Appellants

Through: Mr. Santosh Chauriha, Advocate (thru VC)

versus

SHRI RAM GENERAL INSURANCE CO LTD & ORS. .....Respondents

Through: None

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

<u>O R D E R</u>

% **19.01.2026**

1. Cross objections have been filed on behalf of claimants seeking modification in compensation awarded by order dated 14th March 2013 by Motor Accidents Claims Tribunal [‘***MACT’***], Rohini in Claim No. 128/2012.

2. Limited issue that has been claimed by cross-objector is re-computation based on ***National Insurance Co. Ltd. v. Pranay Sethi*** (2017) 16 SCC 680 (‘***Pranay Sethi’***).

3. Counsel for appellants/claimants informs that the appeal filed by Insurance Company being *MAC APP No. 685/2013* has since been dismissed by order dated 14th July 2025.

4. No one has been appearing on behalf of respondents/Insurance Company for several dates.

5. Modifications sought by appellant are premised on parameters laid

down by the Constitution Bench of Supreme Court in ***Pranay Sethi*** (*supra*), based on previous decisions of Supreme Court. Essentially, the modifications are sought on the following counts:

a. ***Future prospects*** were taken as 30% as evident in paragraph 12 of the impugned award which states as under:

> *"12. The accident took place on 5.3.2012 and as per the material proved on record age of deceased at the time of the fatal accident was 39 years. Hence keeping in view his age about 39 years at the time of death, future prospectus of 30% has to be added in his income as per Santosh Devi judgment of Hon'ble Supreme Court's decision reported in 2012 ACJ 1428. Hence the monthly income of deceased comes to Rs. 47,513.7. (36,549/- + 30%)."*

Counsel for appellant points out that deceased met with a road accident on 5th March 2012, sustained grievous injuries and succumbed to the injuries on the same date. Deceased was 39 years of age on the date of accident/death and was a diploma holder from ITI in Mechanist trade and was working with DENSO India Ltd. Noida Dadri Road, Gautam Budh Nagar, UP and was earning Rs. 36,549/- per month, as salary. He was working with the company since May 1995 in the Production Department as an Associate of L-3 Level and had produced salary slip on record. The witness was not cross examined by the respondents, since they were proceeded *ex-parte*. Accordingly, his monthly salary was taken as Rs. 36,549/-.

Applying the principles in ***Pranay Sethi*** (*supra*) for a person below 40 years of age, with future prospects with permanent job, a percentage increase of 50% would apply.

b. As regards ***loss of consortium***, only Rs.10,000/- has been awarded by MACT, which as per principles in ***Pranay Sethi*** (*supra*) will be Rs.40,000/- applicable for each of family member, which in the instant case are mother, wife and two sons. Accordingly, Rs.1,60,000/- will be awarded towards various components of loss of consortium i.e. spousal, parents and filial.

c. As regards Rs.1,00,000/- awarded towards ***loss of love, company and affection*** etc., the same cannot be awarded in view of decision in ***United India Insurance Co. Ltd. v. Satinder Kaur*** (2021) 11 SCC 780.

d. ***Funeral charges*** be enhanced from Rs. 10,000/- to Rs.15,000/- similarly, ***Loss of Estate*** be enhanced to Rs. 15,000/-, as against awarded amount of Rs.10,000/-, applying the principles in ***Pranay Sethi*** (*supra*).

e. As regards compensation towards ***Loss of Gratuitous Services*** is concerned towards notional loss of care, attention and expenses; same will now be absorbed in the larger component and will not be granted.

6. Accordingly, compensation stands modified as under:

Heads of Compensation	***Amount (in Rs.)***
Income of deceased (A)	*36,549*

Add: Future Prospects (B) @ 50%	*18,274.5*
Less: Personal expenses of the deceased (C)	*9,137.25*
Monthly loss of dependency [(A +B)-C = D]	*45,686.25*
Annual loss of dependency (Dx12)	*5,48,235*
Multiplier (E)	*15*
Total loss of dependency (Dx12xE = F)	*82,23,525*
Medical expenses (G)	*-*
Compensation for loss of consortium (H) (40,000x4)	*1,60,000*
Compensation for loss of love and affection (I)	*-*
Compensation for loss of estate (J)	*15,000*
Compensation towards funeral expenses (K)	*15,000*
Total compensation (F+G+H+I+J+K = L)	*84,13,525*
Rate of interest	*9% p.a.*
Compensation enhanced (84,13,525-65,64,340)	*18,49,185*

7. This appeal stands disposed of in above terms.

8. Copy of this order be sent to respondent/Insurance Company.

9. Appellant is entitled to the additional amount of compensation which will be paid by respondent/Insurance Company within a period of four weeks from today.

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

ANISH DAYAL, J

JANUARY 19, 2026/sm/*sp*