



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

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Reserved on : 19th January 2026

Pronounced on : 29th January 2026

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+ **MAC.APP. 664/2018, CM APPL. 28792/2018 & CM APPL. 24813/2025**

IFFCO TOKIO GENERAL INSURANCE CO LTDAppellant

Through: Ms. Suman Bagga, Ms. Mouli
Sharma, Advocates.

versus

NARESH CHANDER & ORSRespondents

Through: Mr. Pankaj Gupta, Mr. Akash
Singh, Ms. Priyanka S Aneja,
Advocates for R-1 & R-2.

ANISH DAYAL, J.

1. This appeal has been filed under Section 173 of Motor Vehicles Act, 1988 [*‘MV Act’*] by the Insurance Company [*appellant*] for setting aside/modification of the impugned judgment and award dated 23rd April 2018 passed by the Motor Accident Claims Tribunal, Rohini Courts, Delhi (*‘MACT’*) in **MAC PETITION NO. 5483/16** [*Old MACP NO. 112/14*] titled as “*Naresh Chander & Anr. v. Sh. Shiv Bahadur Yadav & Ors.*”.

2. The basic grievance of appellant/Insurance Company relates to the computation of income by the MACT of the deceased at *Rs.18,222/-* per month, which was a combination of *Rs.7,722/-* per month claimed by the deceased’s family as his earnings from *Om Shiv House Keeping Services*,



and Rs.10,500/- per month earned by him as a Sample Collection Executive at *Diya Path Labs*.

Incident

3. On 24th September 2013, at about 11:40 A.M., *Rustam* aged 26 years, along with injured *Rajesh* [*pillion rider*], was riding a motorcycle bearing registration no. “DL 8S AT 4287”, which was being driven by *Rustam*. When they reached the traffic intersection at *Mahindra Park* heading towards *Azadpur, Delhi*, a truck bearing registration no. “DL 1G B 7382” [*‘offending vehicle’*], allegedly driven at high speed and in a rash and negligent manner, hit the motorcycle.

4. Both fell down; *Rustam* was crushed under the wheels of the offending vehicle and *Rajesh* sustained grievous injuries. *Rustam* was declared “*brought dead*” at the hospital. The claims on behalf of both *Rustam*’s family and *Rajesh* were consolidated.

5. FIR No.293/2013 under Sections 279/337/304-A of the Indian Penal Code 1806, (IPC) was registered at Police Station *Mahindra Park*, Delhi. Respondent no.3 [*“driver”*] & respondent no.4 [*“registered owner”*] filed their written statements, and appellant/Insurance Company had also filed its written statement.

Impugned Award

6. On the basis of evidence, the MACT held that the claimants had proved, on the basis of ‘*preponderance of probabilities*’, that deceased *Rustam* sustained fatal injuries, and injured *Rajesh* sustained grievous



injuries in the road accident due to negligence on part of respondent no.3/truck driver.

7. To calculate the benchmark income of deceased *Rustam*, aged 26 years old at the time of accident, it was considered that he was working as a “*Ward Boy*” and also doing part-time work as “*Sample Collection Executive*” and, therefore, earning a cumulative income of *Rs.18,222/-* per month. He was survived by his father and mother, *Sh. Naresh Chander*/respondent no.1 and *Smt. Krishna*/respondent no.2.

Compensation Awarded

8. Based on the cumulative income that deceased *Rustam* was generating from the two jobs, his income was assessed at *Rs.18,222/-*. Future prospects at 40% per annum, and deduction of personal expenses at 50% (being a bachelor) were applied. The annual loss of dependency was calculated at *Rs.1,53,065/-* and a multiplier of ‘17’ was applied to compute the total of dependency at *Rs.26,02,105/-*. Compensation toward the loss of estate was awarded at *Rs.15,000/-*, and towards funeral expenses at *Rs.15,000/-*. The total compensation was rounded of to *Rs.26,32,100/-* with interest at the rate of 9% per annum. For ease of reference, the said computation is reproduced below:

S.NO	HEADS	AMOUNT AWARDED BY MACT
1.	Income of the deceased	Rs. 18,222 /-
2.	Future Prospects	40%
3.	Less- Personal Expenses of Deceased	1/2



4.	Loss of Dependency (Annual)	Rs. 1,53,065 /-
5.	Multiplier	17
6.	Total Loss of Dependency	Rs. 26,02,105/-
7.	Medical Expenses	-
8.	Loss of love and affection	-
9.	Loss of Consortium	-
10.	Loss of Estate	Rs. 15,000 /-
11.	Funeral Expenses	Rs. 15,000/-
TOTAL COMPENSATION		Rs. 26,32,100/-
INTEREST		9%

Evidence

9. The father of deceased/respondent no.1 herein [PW-1], stated in his testimony that deceased *Rustam* contributed to the family towards day-to-day expenses. Although, the duty hours of his son were from 11:00 A.M. to 07:00 P.M., he used to leave the house at 07:00 A.M. and return back at 09:30 P.M. He stated that his son was working at *Om Shiv House Keeping Services* earning Rs.7,722/- per month and as a part-time ‘*Sample Collection Executive*’ at *Diya Path Lab*, earning Rs.10,500/-. He deposed that deceased *Rustam* was pursuing Bachelor of Science [B.Sc.] in Medical Lab Technology [‘*MLT*’] through correspondence from Punjab Technical University, Jabalpur, and had cleared 1st Semester, 2nd Semester and 3rd Semester [Exhibit PW-1/11] in 2012.

10. Mr. Manish Kumar, Proprietor of *Diya Path Lab* [PW-2], deposed that deceased *Rustam* was his employee and had joined as a ‘*Lab Assistant-cum-Sample Collection Executive*’ in October 2012 for the first time, and was getting salary of about Rs.16,600/- per month



including allowances. Thereafter, he left the job in the month of May, 2013. Salary certificate [**Exhibit PW1/19**] was produced. He further stated that deceased *Rustam* joined again the Lab as '*Sample Collection Executive*' in the month of June, 2013 and was getting salary of Rs.10,500/- per month, for which salary certificate [**Exhibit PW1/21**] was produced.

11. *Mr. Nandan Singh Bisht, Field Officer with Om Shiv House Keeping Services [PW-3]* deposed that deceased *Rustam* was employed as a '*Ward Boy*' in 2013 and his last drawn salary was Rs.7,722/- per month. Salary record [**Exhibit PW3/2**] and the Attendance Register [**Mark PW3/3 Colly**] were produced. He endorsed salary certificate [**Exhibit PW1/20**] as issued by their establishment.

12. Counsel for appellant/Insurance Company stated that the salary certificates **Exhibit PW1/19** and **Exhibit PW1/21** issued by *Diya Path Lab* bore the digital signature of *Dr. Ashok Malhotra* and were fabricated, since *Dr. Ashok Malhotra* was not produced to prove the said documents.

13. However, counsel for respondent stated that the said certificates were signed by *Mr. Manish Kumar [PW-2]* and the digital signatures of *Dr. Ashok Malhotra* was only a formality, as he was the pathologist associated with the said Lab.

14. Respondent relied heavily upon the testimony of *Mr. Manish Kumar [PW-2]*. In his cross-examination, *Mr. Manish Kumar [PW-2]* stated that they had not given any employment certificate to the deceased except for the salary certificates [**Exhibit PW1/19** and **Exhibit**



PW1/21]. He further stated that he was the proprietor of *Diya Path Lab* since 2011, and the said was previously known as *Balaji Path Lab*, and had only two employees namely *Rustam* and *Sarita*, who were getting salary of *Rs.16,600/-* and *Rs.4,000/-* respectively. He did not maintain a salary or attendance register as he had only two employees, and the salary was paid in cash.

15. *Mr. Manish Kumar [PW-2]* stated that *Dr. Ashok Malhotra* was the pathologist, whose signature was there as he was the pathologist signatory, but they were not within the knowledge of *Dr. Ashok Malhotra* as the same was not required. *Mr. Manish Kumar's [PW-2]* name was mentioned as Director since he was the owner of the firm.

16. Further, respondent relied on the testimony of *Sh. Nandan Singh Bisht [PW-3]*, wherein he clearly stated that deceased *Rustam* was employed as 'Ward Boy' in 2013. The salary record [**Exhibit PW3/2**] and the attendance register [**Mark PW3/3 (Colly)**] for the months of June to September, 2013 were produced.

17. Salary certificate was exhibited as **Exhibit PW1/20**. In cross-examination the *Field Officer of Om Shiv House Keeping Services [PW-3]* confirmed that wages were being paid per day depending upon the number of working days. No appointment letter had been issued. Deceased *Rustam* was called whenever his services was required.

18. Respondent relied further on the educational documents of the deceased from *Punjab Technical University* for the degree of B.Sc, *Medical Lab Technology*, Examination of Semester 1, Semester 2 and Semester 3, which showed that the deceased had passed.



19. A certificate issued by the *International Institute of Paramedical Technology*, Adarsh Nagar, Sonipat, Haryana was produced [**Exhibit PW1/12**], stating that the *Rustam* was a *bona fide* B.Sc. (MLT) 4th Semester student with the Institution and that he had passed his 1st, 2nd and 3rd semester examinations from *Punjab Technical University*, Jalandhar.

20. Certificates, presented by father/**PW-1** included a certificate issued by *Saint John Ambulance Association* [**Exhibit PW1/17**], certifying that *Rustam* had cleared the examination of “*First Aid*” and a certificate from *Tyagi Hospital Maternity Centre* [**Exhibit PW1/18**], certifying that *Rustam* had worked as Ward Assistant from 20th August 2009 till 20th December 2009.

Analysis

21. Having considered the respective contentions of the parties, and assessing the evidence, this Court is of the opinion that taking into account cumulative income from the two jobs that deceased *Rustam* was doing on a part-time basis, was correct and apposite. The testimonies of **PW-1** (*father*), **PW-2** (*Proprietor of Diya Path Lab*) and **PW-3** (*Field Officer of Om Shiv House Keeping Services*) corroborate each other, and there does not appear to be any discrepancy in the given testimonies.

22. While, **PW-1/father** testified that though the duty hours of his son were from 11:00 A.M. to 07:00 P.M., he used to go out for duty at about 07:00 A.M. till 09:30 P.M., was challenged by counsel for appellant. This Court does not find anything absurd or concocted in the said



deposition. Collating from all the testimonies, it does appear and seems totally plausible that deceased *Rustam* was a hardworking boy who was not only educating himself by doing the B.Sc. (MLT) through correspondence, but also trying to earn a living for himself and his family by working part-time jobs. One, at *Om Shiv House Keeping Services* earning Rs.7,722/-, and two, by working as *Sample Collection Executive* with *Diya Path Labs* and earning Rs.10,500/- per month. There is no dissonance in these elements which formed part of his life. The attempt to educate oneself and procure professional certification along with earning on the move by part-time jobs is totally aligned.

23. Though during the second stint at *Diya Path Lab*, he was earning Rs.16,600/- per month, the Tribunal has taken the latter and more correct figure at Rs.10,500/- per month in order to arrive at a cumulative figure of Rs.18,222/-.

24. As regards the degree certificates provided, not only issued by the *Punjab Technical University* but also by the college through which he was pursuing the course, there is nothing to prompt the Court to suggest that these are forged and fabricated.

25. In the cross-examination, **PW-1/father**, stood by his testimony and fairly stated that the family was not dependent upon the income of the deceased as he himself was a Government servant.

26. The issue raised by counsel for appellant regarding **Exhibit PW2/19** and **Exhibit PW2/21**, and the signatures of *Dr. Ashok Malhotra* not being proved may not be of much relevance considering that *Mr. Manish Kumar* (proprietor of *Diya Path Labs*), who deposed as **PW-2**,



testified that the documents were true and correct. On being cross-examined regarding the issue of *Dr. Ashok Malhotra* not being knowledge of these certificates, *Mr. Manish Kumar/PW-2* stated that he was the proprietor, whereas *Dr. Ashok Malhotra* was the pathologist, and his knowledge was not required for the certificates being issued.

27. In his cross-examination, *Mr. Manish Kumar/PW-2* gave considerable amount of detail relating to the running of *Diya Path Lab*, including the previous *avatar* and the fact that it was being operated through only two employees, namely *Rustam* and *Sarita*, at salaries of *Rs.16,600/-* and *Rs.4,000/-* respectively. It appears that it was a small pathlab. He further stated that pathlab was a unit of *Manmohini Health Care Centre*, which belonged to *Dr. Neeraj Manchanda* and *Mr. Vinit Nayar*, but had closed in year 2014.

28. Considering that the testimonies of **PW-1** and **PW-2** are aligned, this Court is of the opinion that the Tribunal was right to include the income at *Rs.10,500/-*, which deceased *Rustam* had obtained from 1st June 2013 till 15th September 2013. It could very well be that *Dr. Ashok Malhotra* was not involved with the collection process which this *Diya Path Lab* collection centre was undertaking. Even the letterhead seems to suggest that they were a unit of *Manmohini Health Care Centre*.

29. *Mr Manish Kumar/PW-2* also denied that these documents were forged or fabricated or that he had misused the letterhead containing the digital signature of *Dr. Ashok Malhotra*. The testimony of *Field Officer of Om Shiv House Keeping Services/PW-3* regarding the engagement of deceased *Rustam* with *Om Shiv House Keeping Services* was not



displaced in cross-examination. The salary record was not only produced by **PW-1**/father but also confirmed by **PW-3**/ *Field Officer of Om Shiv House Keeping Services*. He further stated that the pay of the deceased *Rustam* would have been revised depending upon the revision of pay scales according to Minimum Wages Act issued by the Government of Delhi from time to time, and that only salary was paid to him and no conveyance allowance was provided.

30. It is a settled law that the proceeding before MACT are in the nature of an inquiry and are not bound by the strict rules of evidence or civil procedure.

31. In *United India Insurance Co. Ltd. v. Shila Datta*, (2011) 10 SCC 509, the Supreme Court reiterated that a claim petition under the MV Act is not a traditional *adversarial lis* and that strict rules of pleadings or procedure do not apply to MACT proceedings. Relevant paragraph is extracted as under:

“10. A claim petition for compensation in regard to a motor accident (filed by the injured or in case of death, by the dependent family members) before the Motor Accidents Claims Tribunal constituted under Section 165 of the Act is neither a suit nor an adversarial lis in the traditional sense. It is a proceedings in terms of and regulated by the provisions of Chapter XII of the Act which is a complete code in itself. We may in this context refer to the following significant aspects in regard to the Tribunals and determination of compensation by the Tribunals:

.....

(ii) The rules of pleadings do not strictly apply as the claimant is required to make an application in a form



prescribed under the Act. In fact, there is no pleading where the proceedings are suo motu initiated by the Tribunal.”

(emphasis added)

32. Counsel for respondent, also drew attention to judicial precedents which reinforce the evidentiary position adopted by the Tribunal:

- i) ***Rajwati @ Rajjo & Ors. v. United India Insurance Co. Ltd.*** 2022 INSC 1267, where an issue was raised relating to the salary certificate and pay slip not being proved on the ground that the person issuing the document was not examined, the Court stated that the said document was conclusive proof of the income of the deceased and was also corroborated by the statements of the deceased/wife. The relevant paragraphs are extracted as under:

“18. Similarly, in the case of ***Kusum Lata & Ors. Vs. Satbir & Ors.***, this Court observed that it is well known that in a case relating to motor accident claims, the claimants are not required to prove the case as it is required to be done in a criminal trial. The Court must keep this distinction in mind.

19. It is well settled that Motor Vehicles Act, 1988 is a beneficial piece of legislation and as such, while dealing with compensation cases, once the actual occurrence of the accident has been established, the Tribunal’s role would be to award just and fair compensation. As held by this Court in ***Sunita (Supra)*** and ***Kusum Lata (Supra)***, strict rules of evidence as applicable in a criminal trial, are not applicable in motor accident compensation cases, i.e., to say, “the standard of proof to be borne in mind must be of preponderance of probability and not the strict



standard of proof beyond all reasonable doubt which is followed in criminal cases”.

20. In view of the above, we do not agree with the view taken by the High Court while rejecting the salary certificate (Exhibit 19) and pay slip (Exhibit 20) of the deceased merely on the ground that the person issuing the two aforementioned documents was not examined before the Learned Tribunal. The said documents are conclusive proof of the income of the deceased and were also corroborated by the statements of the deceased's wife (Appellant No. 1 herein) and his co-workers. As such, the High Court was not justified in assessing the income of the deceased at Rs.4,836/- per month on the basis of minimum wages fixed by the State at the relevant time. Resultantly, we affirm the findings of the Learned Tribunal so far as they relate to assessing the deceased's income at Rs.11,225/- per month on the basis of aforementioned two documents. Annual income of the deceased, therefore, amounts to, Rs.11,225/- x 12 = Rs.1,34,700/-.”

(emphasis added)

ii) **Magma HDI GIC Ltd. v. Poonam Kumari & Ors.** 2025: DHC: 11987, wherein this Court reiterated as under:

“11. Having regard to the fact that the Tribunal is duty bound to arrive at a finding on the preponderance of probabilities, and is not bound by strict rules of pleadings and evidence, I do not find any reason to interfere with the Tribunal's finding on this aspect. The accident occurred in New Subzi Mandi, Azadpur, Delhi, itself where the deceased was stated to be employed. It is not always possible to insist upon provision of documentary evidence in the form of appointment letters, salary slips, etc., in cases such as this, where the employment is in the informal sector. The evidence must be looked at holistically. In the



present case, the evidence of the wife of the deceased was corroborated by the testimony of the employer himself. The evidence of these witnesses, coupled with the fact that the accident occurred at the very location of his stated employment, leads me to accept the claimants' case on the standard of preponderance of probabilities."

(emphasis added)

33. In view of the cumulative assessment of testimonies of **PW-1**, **PW-2** and **PW-3** and the documents produced, this Court finds that the assessment by the Tribunal does not warrant interference and that the benchmark income assessment of deceased *Rustam* was appropriately taken at Rs.18,222/- at the time of the accident for calculating the loss of dependency.

34. Besides appellant/Insurance Company despite access to considerable investigative resources, could not prove any evidence to controvert *Rustam's* engagement with *Om Shiv House Keeping Services* and *Diya Path Lab* in any manner whatsoever.

Conclusion

35. Accordingly, this Court finds no infirmity, perversity or misapplication of law in the computation adopted by the Tribunal. The appellant/ Insurance Company has, therefore, failed to discharge the burden to rebut the evidence led by the respondents or to substantiate its challenge to the income assessed by the Tribunal.

36. *Vide* order dated 23rd July 2018, this Court had directed appellant to deposit the entire compensation amount with the Registrar General of



this Court. Further direction was passed that the amount deposited be converted into annual Fixed Deposits Receipts (**FDRs**) with automatic renewal. *Vide* order dated 16th November 2018, this Court directed the release of 50% of the awarded amount into the savings bank account of the claimant along with interest accrued in proportion and in manner indicated in the impugned award after due verification.

37. Accordingly, the Registrar General of this Court is directed to release the balance amount deposited by the appellant, along with accrued interest and FDR renewals, to the claimants as per the terms of apportionment determined by the Tribunal.

38. The Registrar General of this Court shall ensure that the amounts are disbursed to the claimants after due verification and upon their furnishing necessary bank account particulars.

39. The appeal is, therefore, dismissed. Pending applications are rendered infructuous.

40. Statutory deposit, if any, be refunded to appellant.

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

ANISH DAYAL
(JUDGE)

JANUARY 29, 2026/ak/tk