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

% ***Date of decision: 29th October 2026***

\# **CNR No. DLHC012789692016**

\+ MAC.APP. 906/2016

THE ORIENTAL INSURANCE CO LTD .....Appellant

Through: Mr. Pradeep Gaur, Advocate.

versus

CHAMPA GUPTA & ORS .....Respondent

Through: Mr. Jatinder Kamra, Advocate.

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\# **CNR No. DLHC011523422017**

\+ MAC APP. 327/2017

CHAMPA GUPTA & ORS .....Appellant

Through: Mr. Jatinder Kamra, Advocate.

versus

THE ORIENTAL INSURANCE CO LTD .....Respondent

Through: Mr. Pradeep Gaur, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. These cross-appeals have been filed challenging the compensation awarded by impugned judgment dated 02nd July 2016 awarding *Rs.*

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25,35,000/- along with 9% interest, by Motor Accidents Claims Tribunal, North Rohini Court ('***MACT/Tribunal***'), in Suit No. 144/2014. *MAC.APP. 906/2016* has been filed by the Insurance Company seeking reduction of compensation and *MAC APP. 327/2017* has been filed by the legal representatives ('***LRs***') of deceased-*Chand Lal Gupta* (hereinafter, '***claimants***').

2. The accident occurred on 19th May 2014 in front D-39, main crossing of Sector-4, DSHDC Bawana, Delhi, where the deceased-*Chand Lal Gupta* was driving a scooter and was hit by a speeding car bearing number *HR-13D-7935* (hereinafter, '***offending vehicle***'). He was taken to Maharishi Valmiki Hospital and was declared as brought dead.

3. *Mr. Pradeep Gaur*, counsel for Insurance Company, has challenged the quantum of compensation on two counts: *firstly*, that the age of deceased ought to have been taken as 56 years on the basis of the age depicted in the voter ID card, whereas, it was considered at 47 years by the MACT, basis the statement made by the wife of deceased ('***PW1***'); *secondly*, that the monthly income of deceased was wrongly assessed at *Rs. 15,000/-* per month, despite there being no evidence of the same.

4. As regards the first contention, *Mr. Jatinder Kamara*, counsel for claimants, objects to the same and has drawn attention of the Court to the ration card, as per which the year of birth of deceased was 1965 and therefore, he would have been 49 years of age on the date of accident in 2014. *Mr. Kamra*, has also handed over a life insurance policy document for additional appreciation, which also shows his date of birth as 15th May 1965. Taking this into account, the multiplier which has been assessed by the MACT is retained at '13'.

5. As regards the income of deceased, it had been stated by *PW1* that

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her husband was a manufacturer of steel welding items/articles and was running a business in the name of *Gupta Fabricators* earning about *Rs.25,000/-* per month and contributing *Rs.15,000/- Rs.20,000/-* per month towards household expenses.

6. Relying upon this statement, income was considered at *Rs. 15,000/-* by the MACT, being the lower end of that figure, as contribution of deceased to the family.

7. *Mr. Gaur*, contends that since there was no proof filed regarding his income, minimum wages ought to have been taken.

8. *Mr. Kamra*, however, draws attention of the Court to various documents which were filed, including invoices in the name of *Gupta Fabricators* and *Vikas Fabricators* (which was the subsequent name), as also the purchase/rent receipts of various equipment, which had been filed. MACT had taken note of these invoices and noted that it was unclear whether the deceased was the owner/proprietor of the unit, since the documents had been signed in his name.

9. In this regard, reliance may be placed upon the decision of this Court in ***Savita and Ors. v. National Insurance Company***, 2026:DHC:3626, where this Court has culled out principles for assessment of notional income. It was held that in cases of lack of documentary proof, reliance may be placed upon testimonies and other documents. Additionally, minimum wage benchmark of an appropriate category may be considered, not restricted to the lowest category. The entire assessment is ultimately imbued with an element of approximation and guesswork, as part of the inquiry proceedings and not on exactitude.

10. Accordingly, considering the nature of work performed by the deceased as a steel manufacturer, the Court is inclined to take minimum

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wages of a skilled worker, which were *Rs. 10,374/-* as on that date.

11. *Mr. Jatinder Kamara*, counsel for claimants, on other hand, has sought enhancement on account of future prospects having not been awarded to the deceased and compensation towards loss of consortium having not been awarded towards all claimants.

12. In this regard, the Court is inclined to accept *Mr. Kamara's* plea and align the various heads in consonance with principles enunciated under ***National Insurance Co. Ltd. v. Pranay Sethi***, (2017) 16 SCC 680. Therefore, future prospects will be awarded at 25%, since the deceased was working in a private job.

13. As regards deduction of personal expenses, *Mr. Gaur*, states that since the son of deceased was 27 years of age and the daughter of deceased was 24 years of age, they shall not be considered as dependents. However, there has been no cross-examination of *PW1* to the extent that that the daughter was not dependent on the income of her deceased father. Accordingly, personal expenses will be deducted at 1/3rd.

14. *Loss of love and affection* has been subsumed under the head of loss of consortium, which will be considered at *Rs. 1,60,000/-* (*40,000/- x 4*) and *loss of estate* and *funeral expenses* will be readjusted at *Rs. 15,000/-* each.

15. The revised compensation shall be as under:

S. No.	**Heads**	**Awarded by the Tribunal**	**Awarded by this Court**
1	Income of deceased (A)	Rs. 15,000/-	Rs. 10,374/-
2	Add: Future Prospects (B)	Nil	Rs. 2,593.5/-
3	Less: Personal expenses of deceased (C)	Nil	Rs. 4,322.5/-
4	Loss of dependency (A+B)-C= (D)	Rs. 15,000/-	Rs. 8,645/-

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5	Annual loss of dependency (D x 12) = (E)	Rs. 1,80,000/-	Rs. 1,03,740/-
6	Multiplier (F)	13	13
7	Total loss of dependency (E x F) = (G)	Rs. 23,40,000/-	Rs. 13,48,620/-
8	Compensation for loss of consortium (H) (40,000x4)	Rs. 50,000/-	Rs. 1,60,000/-
9	Compensation for loss of estate (I)	Rs. 20,000/-	Rs. 15,000/-
10	Compensation towards funeral expenses (J)	Rs. 25,000/-	Rs. 15,000/-
11	Compensation for loss of love and affection (K)	Rs. 1,00,000/-	Nil
12	Total compensation (G+H+I+J +K)= (L)	Rs. 25,35,000/-	Rs. 15,38,620/-
13	Rate of Interest Awarded	9%	9%
14	Reduced Compensation	**Rs. 9,96,380/-**	

Directions

16. Accordingly, the compensation has been reduced by *Rs. 9,96,380/-* (‘***reduced compensation***’).

17. By order dated 26th October 2016, this Court had directed the Insurance Company to deposit Rs. 15,00,000/- along with accrued interest before the UCO Bank, Delhi High Court Branch and thereupon a stay on the execution of the award. Thereafter, by order dated 10th February 2017, 50% of the compensation amount was released in favour of claimants, as per the directions given in the impugned award.

18. Accordingly, if the amount originally deposited by Insurance Company is less than the revised compensation, balance amount along with accrued interest will be deposited by the Insurance Company before the UCO Bank, Delhi High Court Branch within 4 weeks, which will be released as lumpsum to claimants within 2 weeks thereafter. Originally deposited amount shall continue to be released to claimants as per the

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directions given in the impugned award.

19. Accordingly, the appeals are disposed of. Pending applications (if any) are rendered infructuous.

20. Statutory deposit, if any, be refunded to Insurance Company, only if the order of deposit has been complied with.

21. Copy of this judgment be sent to the concerned bank for information and compliance.

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

(ANISH DAYAL)
JUDGE

OCTOBER 29, 2026/*rk/sp*

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