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

% ***Date of decision: 06th April 2026***

\+ **MAC.APP. 1030/2018**

KAVITA VERMA & ORS .....Appellant

Through: Mr. Anuj Kumar, Adv.

versus

SONU & ORS (MAGMA HDI GENERAL INSURANCE CO LTD) .....Respondent

Through: Mr. Raj Kumar, Adv. for R-1.
Mr. Ved Vyas Tripathi and Mr. Vaibhav Verma, Advs. for Insurance Company.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. This appeal has been filed for enhancement of the compensation awarded at *Rs. 17,50,000/-* along with interest @ *9 %* per annum by award dated 02nd July 2018 in MAC No.747/2016 in respect of an accident, which occurred on 06th August 2014, because of which *Sonu Verma @ Sonu Singh*, who was driving a motorcycle, succumbed to injuries in the accident. *Sonu Verma @ Sonu Singh* was going by motorcycle bearing No. DL-13SD-4034 from *Loni to Ashok Nagar* along with his brother-in-law *Vikas Verma,* when they reached in front of Bharat Petroleum after crossing Loni boarder, a truck bearing No. HR-55Q-1000 suddenly came and struck him.

2. Claim petition was filed by his wife, the children, the parents and other

family members.

3. *Mr. Anuj Kumar*, counsel for appellants/claimants, seeks enhancement on the sole ground that the benchmark income was considered at minimum wages of a *non-graduate at Rs.7,840/- per month* as applicable in Uttar Pradesh, whereas there was enough evidence on record to establish that the deceased was earning *Rs.21,000/- per month* from his job at *M/s Perfect Marketing Solution Pvt. Ltd*. In this regard, he adverts to the evidence of *Kavita Verma*, the wife of *late Sonu Verma*, who deposed that the deceased was earning *Rs.21,000/-* per month, which included *Rs. 18,000/-* per month as salary + *Rs.3,000/-* as conveyance charges.

4. It was further stated that the family was dependent upon the income of the deceased.

5. In her cross-examination, she stated that she did not know his designation and job profile; however, she knew that the deceased had studied upto 10th standard.

6. **PW4**/*Riyazuddin* was a summoned witness, and he brought the employee record relating to *Sonu Verma*. in this examination, he relied upon the attendance register of the employee annexed as *Ex.PW4/C (Colly) (OSR)* before the MACT and cash vouchers pertaining to the salary of deceased *Sonu Verma* annexed as *Ex.PW4/D (Colly)(OSR)*. The statement of account of *M/s Perfect Marketing Solution Pvt. Ltd.* was also placed on record.

7. *Riyazuddin,* in the cross-examination, stated that expect the above-mentioned documents there were no other documents to show that the deceased was drawing salary of *Rs.18,000/-* and *Rs.3,000/-* for conveyance. He stated that the cash voucher was prepared by *Nafees Khan*, who worked with them for the last four years, and no signatures of any employee were

taken on the attendance register.

8. Counsel for the Insurance Company, however, states that there were no details reflected in the cash register, the attendance register did not bear any signatures, and the cash book did not contain any serial number indicating payment to the deceased.

9. In the opinion of this Court, considering that there is sufficient evidence on record to show that the deceased was working with *M/s Perfect Marketing Solutions Pvt. Ltd*., and that the testimonies of the wife and **PW3** stand aligned, this Court is inclined to accept that the deceased was employed in some capacity with the said Delhi-based entity. Accordingly, at the very least, the minimum wages of a skilled worker ought to be awarded in favour of the claimants, which, it is stated, were *Rs. 10,478/- per month* at the relevant time.

10. Counsel for appellants/claimants has also relied upon a cheque of *Rs.13,600/-* issued to the claimants on behalf of the Company. Although the MACT has rejected the same as a one-time payment made on humanitarian grounds, in the opinion of this Court, the said payment cannot be entirely disregarded.

11. The other ground raised by counsel for appellant is that only a sum of *Rs. 40,000/-* has been awarded towards loss of consortium.

12. Accordingly, in line of principle laid down in ***National Insurance Co. Ltd. v. Pranay Sethi & Ors.*** (2017) 16 SCC 680, *loss of consortium* ought to be granted to five claimants, i.e. wife, 2 children, mother and father of the deceased, therefore *Rs. 2,00,000/-* are awarded towards *loss of consortium*.

13. In view of this, the compensation will be re-calculated as under:

S. No.	**Heads of compensation**	**Awarded by the Tribunal**	**Awarded by this Court**

1	Income of deceased (A) (less Income Tax)	Rs. 7,840/-	Rs. 10,478/-
2	Add Future Prospects (B)	Rs. 10,976 (40% of 7,840)	Rs. 14,670/-(40% of Rs. 10,478/-)
3	Less Personal expenses of the deceased (C) @ 1/4th	Rs. 2,744	Rs. 3,667.50/-
4	Monthly loss of dependency [(A +B)-C = D]	Rs. 8,232/-	Rs. 11,002.5/-
5	Annual loss of dependency (Dx12)	Rs. 98,784/-	Rs. 1,32,030/-
6	Multiplier (E)	17	17
7	Total loss of dependency (Dx12xE = F)	Rs. 16,79,328/-	Rs. 22,44,510/-
8	Compensation for loss of consortium (G)	Rs. 40,000/-	Rs. 2,00,000/-
9	Compensation for loss of estate (H)	Rs. 15,000/-	Rs. 15,000/-
10	Compensation towards funeral expenses (I)	Rs. 15,000/-	Rs. 15,000/-
11	Total compensation (F+G+H+I = J)	**Rs. 17,49,328/- (Rs.17,50,000/- rounded off)**	**Rs. 24,74,510/-**
12	Rate of Interest Awarded	9% per annum	9% per annum

14. Accordingly, the compensation is enhanced by *Rs. 7,24,510/-*.

15. Enhanced compensation along with *9%* interest per annum from the date of filing the petition will be deposited before the MACT within a period of four weeks. It is directed that a lump sum amount of *Rs. 3,00,000/-* shall be released to the claimant from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts ('***FDRs***') of *Rs. 25,000/-* each for periods of 3 month, 6 months, 9 months and so on, in succession as maybe calculated. Interest accruing on the said FDRs shall be credited to the designated Savings Bank Account of the claimant. The amount of FDRs on maturity would be released to the Savings Bank Account

of claimant upon due verification.

16. Copy of this judgment be sent to the concerned MACT and bank.

17. Appeals stand disposed of with above directions.

18. Pending applications, if any, are rendered infructuous.

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

(ANISH DAYAL)
JUDGE

APRIL 06, 2026/mk/bp