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

% ***Date of decision: 24th April 2026***

\+ **MAC.APP. 926/2018**

NATIONAL INSURANCE CO LTD .....Appellant

Through: Mr. Pradeep Gaur, Ms. Sweta Sinha, Mr. Kaarrtikey Parashar, Advocates.

versus

AMIT KANOJIA & ORS .....Respondents

Through: Mr. Krishan Kumar, Mr Anubhav Kumar, Mr. Aman Bhati, Advocates for Respondent nos.1-3.

(15)

\+ **MAC.APP. 8/2019**

AMIT KANOJIA & ORS .....Appellants

Through: Mr. Krishan Kumar, Mr Anubhav Kumar, Mr. Aman Bhati, Advocates .

versus

RAM SINGH & ORS (NATIONAL INSURANCE CO LTD) .....Respondents

Through: Mr. Pradeep Gaur, Ms. Sweta Sinha, Mr. Kaarrtikey Parashar, Advocates.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. Both these appeals have been filed challenging the Award dated 31st July 2018 passed by Motor Accident Claims Tribunal, East District,

Karkardooma Courts, Delhi ['***MACT***'] in ***MAC Suit No. 684/2016***. The Insurance Company seeks reduction, whereas claimants seek enhancement of compensation amount.

2. Various aspects on which this modification is sought are discussed as under:

i. Insurance Company states that *future prospects,* which have been granted for calculating the *loss of dependency* at *50%*, ought not be allowed, considering that deceased was not in permanent employment. In this regard, it is noted that deceased was working with *Dr. Oetker India Pvt. Ltd.*, a well-reputed international food company, since 2006. The accident occurred on 15th June 2016; therefore, by that time, she had already worked in the said company for ten years. She was working as "*Assistant General Manager*" and Cost to the Company ('***CTC***'), as per **Exhibit PW3/3,** was about *Rs.17,50,000*/- per annum. Moreover, she was given an increment on 28th April 2016, as per **Exhibit PW3/4**. Another document has been appended as **Exhibit PW3/5**, which is a letter of participation in the company's workshops, showing that she was regularly a part of company team. There is no reason why deceased may not be considered in permanent employment, taking into account the view taken by this Court in ***Oriental Insurance Co. Ltd. v. Sneha Lata & Ors.*** 2026:DHC:2689, where reliance was placed on a view taken by the High Court of Madhya Pradesh at Jabalpur in ***Anjum Ansari v. R. Rajesh Rao***, 2024 SCC OnLine MP 9613. Hence, the plea of Insurance Company on this account is, therefore, rejected.

ii. Insurance Company pleads that '*income*' was wrongly considered and '*conveyance allowance*' ought to have been deducted. However, as per decisions of the Supreme Court in ***National Insurance Co. Ltd. v. Indira Srivastava & Ors.*** (2008) 2 SCC 763, ***National Insurance Co. Ltd. v. Nalini*** 2024 SCC OnLine SC 2252 and ***Meenakshi v. Oriental Insurance Co. Ltd.*** 2024 SCC OnLine SC 1872, it has been held that allowances which are to the benefit of the family, including '*transport allowance*', ought to be included, therefore, the plea on this account is also rejected.

iii. Claimant have raised an issue regarding inclusion of the share capital, which had been received while she was in employment of the company, in the form of shares, to be included as part of the compensation. This Court is not inclined to do so, considering that *loss of dependency* is calculated primarily on the regular and consistent income which was being received by deceased, on the basis which dependency ought to be assessed. The issuance of shares and one-time bonuses cannot be considered as consistent and regular income for the purpose of calculating the *loss of dependency*.

iv. Insurance Company also claims that rate of interest should be revised from **9%** to **7.5%.** However, *Mr. Krishan Kumar*, counsel for claimants, points out to *Section 171* of the Motor Vehicles Act, 1988 ('***MV Act***'), which empowers the MACT to exercise discretion in awarding simple interest on compensation based on case-specific facts. Moreover, he submits that compensation is just and reasonable, and deceased is survived by *two daughters* and *two senior aged parents*. Therefore, this Court is not inclined to interfere with the interest component.

3. By order dated 12th October 2018, this Court had passed directions for deposit of the entire awarded amount before the Registrar General of this Court, and disbursed 50% of the amount to claimants as per the directions passed by the MACT in the impugned award. Remaining 50% of the deposited amount was directed to be kept in FDRs.

4. Now, since the appeals have been dismissed and impugned order of the MACT stands confirmed, the complete amount of compensation, along with accrued interest till date, be released to claimants as per the directions of the MACT in the impugned award.

5. In view of the above, both the appeals stand dismissed.

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

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

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

(ANISH DAYAL)
JUDGE

APRIL 24, 2026/ak/tk