DLCT010099302024

Presented on : 04-07-2024
Registered on : 04-07-2024
Decided on : 19-03-2025
Duration : 08 Months

IN THE TRIBUNAL OF PRESIDING OFFICER-MACT-02, CENTRAL, TIS HAZARI COURTS DELHI, PRESIDED OVER BY DR. PANKAJ SHARMA
MACT No. 444/24

1. **TARANPREET KAUR**
W/o Late Sh. Jasvinder Singh

2. **HARSIMAR KAUR JAGGI**
D/o Late Sh. Jasvinder Singh

3. **RASJOG SINGH**
S/o Late Sh. Jasvinder Singh

4. **HARJIT KAUR**
S/o Sh. Jaspal Singh

All R/o H.No. B-173, Ground Floor,
Fateh Nagar,Hari Nagar,
New Delhi-110058. **.....Petitioners**

VERSUS

1. **VIMAL**
S/o Sh. Panjabi
R/o Village Fateh Pur,
Gari, Hardoi, UP.**(Driver).**

2. **MANOJ YADAV**
S/o Sh. Jagpal Yadav
R/o H.No. A-22, Phase-3,
Ashok Vihar, Delhi. **(Owner).**

3. **THE NEW INDIA ASSURANCE CO. LTD. (Insurer).**
(Through Ld.Counsel Sh.Neeraj Sharma)

.....Respondents

The particulars as per Form-XVII, Central Motor Vehicles (fifth Amendment) Rules, 2022 (Pl. see Rule 150A) are as under:-

1.	Date of the accident	14/03/24
2.	Date of filing of ***Form-I – First Accident Report (FAR)***	N.A.
3.	Date of delivery of ***Form-II*** to the victim(s)	N.A.
4.	Date of receipt of ***Form-III*** from the Driver	N.A.
5.	Date of receipt of ***Form-IV*** from the Owner	N.A.
6.	Date of filing of the ***Form-V-Interim Accident Report*** (IAR)	N.A.
7.	Date of receipt of ***Form-VIA*** and ***Form-VIB*** from the Victim(s)	N.A.
8.	Date of filing of ***Form-VII – Detailed Accident Report*** (DAR)	04/07/24
9.	Whether there was any delay or deficiency on the part of the Investigating Officer? If so, whether any action/ direction warranted?	N.A.
10.	Date of appointment of the Designated Officer by the Insurance Company	N.A.
11.	Whether the Designated Officer of the Insurance Company submitted his report within 30 days of the DAR?	N.A.
12.	Whether there was any delay or deficiency on the part of the Designated officer of the Insurance Company? If so, whether any action/ direction warranted?	N.A.
13.	Date of response of the claimant(s) to the offer of the Insurance Company.	N.A.
14.	Date of the award	19/03/25
15.	Whether the claimant (s) was/were directed to	Yes

	open savings bank account(s) near their place of residence?	
16.	Date of order by which claimant(s) was/were directed to open savings bank account(s) near his place of residence and produce PAN Card and Adhaar Card and the direction to the bank not issue any cheque book/debit card to the claimant(s) and make an endorsement to this effect on the passbook.	28/02/25
17.	Date on which the claimant(s) produced the passbook of their savings bank account near the place of their residence along with the endorsement, PAN Card and Adhaar Card?	NA
18.	Permanent Residential Address of the Claimant(s).	H.No. B-173, Ground Floor, Fateh Nagar, Hari Nagar, New Delhi-110058.
19.	Whether the claimant(s) savings bank account(s) is near his place of residence?	NA
20.	Whether the claimant(s) was/were examined at the time of passing of the award to ascertain his/their financial condition?	NA

AWARD/JUDGMENT
FACTUAL POSITION & PLEADINGS

1. This DAR was filed on 04/07/2024 by Investigation Officer (IO) before this Tribunal in the presence of the parties. The DAR was prepared by IO in respect of a motor vehicular accident dated 14/03/2024 which occurred at about 04.56 A.M. at a spot Kishan Ganj Railway Red Light, Near Pratap Nagar Metro Station, Delhi falling within the jurisdiction of PS Gulabi Bagh in which one ***Sh. Jasvinder Singh Jaggi S/o Sh. Jaspal Singh Jaggi***

hereinafter referred to as ***"deceased"***) sustained fatal injuries. As per PW-1, the deceased sustained fatal injuries by a vehicle bearing registration no. ***DL-1CAF-4914*** (as per DAR hereinafter referred to as ***"offending vehicle"***) which was being driven in tragic manner on account of rash and negligent driving of R-1. It is further stated that her husband was 40 years of age and was self employed and was earning Rs.1,25,000/- per month besides paying salary to five workers namely Manish Chhabra, Mahesh, Sanjay and others to the tune of Rs.75,000/- to 80,000/- per month. It is further stated that the deceased was spending approximately Rs.30,000/- to 35,000/- per month on school fee and tuition fees and other educational expenses of minor children. Petitioners being the wife, children and mother were completely dependent upon the earnings of the deceased and seek compensation to the tune of **Rs. 1,50,00,000/-** on account of the untimely death of the deceased in the aforesaid motor vehicular accident.An FIR no. 072/24 PS Gulabi Bagh was registered by the police U/s 279/304A IPC. R-1 is stated to be the driver of the offending vehicle. R-2 is stated to be the owner of the offending vehicle. R-3 is stated to be the insurer of the offending vehicle. DAR was treated as a claim petition. R-3/insurance company was directed to file a legal offer/reasoned decision in response to the said DAR. R-1 and R-2 were also directed to file their Written Statements.

2. A joint written statement was filed by R-1 & R-2 in which they declined the contents of the DAR/petition. However, they further averred that at the relevant time the offending vehicle was covered by an insurance policy issued by R-3/

insurance company in favour of R-2 and therefore, the liability, if any, is to be discharged by R-3/ Insurance Company only.

3. R-3/Insurance Company filed a legal offer which was not accepted by the petitioners.

ISSUES

4. Vide order dated 19/09/2024, the following issues were framed by this Tribunal :-

> *1. Whether the deceased Sh. Jasvinder Singh suffered fatal injuries in an accident that took place on 14.03.2024 at about 04.56 AM involving vehicle bearing registration No. DL-1CAF-4914 driven by the Respondent No. 1 rashly and negligently, owned by the Respondent No. 2 and insured with the respondent no. 3? OPP.*
> *2. Whether the petitioners are entitled for compensation? If so, to what amount and from whom?*
> *3.Relief.*

PETITIONERS' EVIDENCE

5. In support of their contentions, the petitioners examined Petitioner no. 1 Smt. Taranpreet Kaur, wife of the deceased, as **PW-1.** PW-1, vide her affidavit Ex. PW1/1, deposed that the deceased was her husband who lost his life on 14/03/2024 due to an accident dated 14/03/2024 involving the offending vehicle. He further deposed that the accident took place due to the rashness and negligence of R-1. He further deposed that the deceased was 40 years old and was self

PANKAJ SHARMA Digitally signed by PANKAJ SHARMA Date: 2025.03.19 14:21:16 +0530

employed and was earning Rs.1,25,000/- per month and that the petitioners, being the wife, two children & mother of the deceased, were completely dependent on the earnings of the deceased. She relied upon following documents :-

> **"Ex. PW1/A (OSR) is copy of Aadhar Card of PW-1;**
> **Ex.PW1/B to Ex.PW1/D (OSR) are copies of Aadhar Cards of Petitioners No. 2 to 4;**
> **Ex.PW1/E (OSR) is death certificate of the deceased;**
> **Ex.PW1/F (OSR) is Marksheet of B.Com (Pass) 1st year of deceased;**
> **Ex.PW1/G and Ex.PW1/H (OSR) are copies of identity card of deceased and certificate of Class X and XII of the deceased;**
> **Ex.PW1/I is copy of the Memorandum of Understating/ Settlement with the Partner of Mitron Kabab and Curries;**
> **Ex.PW1/J (Colly) is copies of electricity bills;**
> **Ex.PW1/K (Colly) is detail of medical expenses;**
> **Ex.PW1/L (Colly) is details of school fees and tutition fee receipts of both the children of the deceased;**
> **Ex.PW1/M (Colly) is ITRs of deceased;**
> **Ex.PW1/N is copy of FIR bearing No. 72/2024 dated 14.03.2024 registered with PS Gulabi Bagh;**
> **Ex. PW1/O (Colly) is autopsy and post-mortmen report of the deceased;**

5.1 PW-1 was cross-examined by Ld. Counsel for R-3/ Insurance Company. In her cross-examination she deposed that she does not possess the documents pertaining to graduation of her husband and she does not have any documentary proof as to the payment of rent for running the restaurant as the amount was paid in cash. She further deposed that she has only filed the ITRs pertaining to A.Y-2011-12 and 2024-25 and she has not filed any other ITR for the years in between. She denied the suggestion that no bills pertaiing to the restaurant has been filed as the same were not paid. She further denied the suggestion that the deceased was not spending Rs.30,000/- to Rs.35,000/- per month on account of school fee of the children. She further denied the suggestion that he was not spending Rs.40,000/- to Rs.50,000/- on different household expenditure. She further denied the suggestion that her husband was not running any restaurant business. She further denied the suggestion that he was not earning Rs.80,000/- to Rs.90,000/- per month. She further denied the suggestion that he was not earning from the business and ITRs filed for the year 2024-25 is an after thought and has been filed after the death.

5.2 Petitioners' evidence was then closed.

6. Respondents did not lead any evidence in their defence.

FINDINGS

7. Oral submissions were advanced by Ld. Counsel for the parties.

8. I have perused the record and my issue wise findings are as under:-

<u>ISSUE NO. 1</u>

> ***"Whether the deceased Sh. Jasvinder Singh suffered fatal injuries in an accident that took place on 14.03.2024 at about 04.56 AM involving vehicle bearing registration No. DL-1CAF-4914 driven by the Respondent No. 1 rashly and negligently, owned by the Respondent No. 2 and insured with the respondent no. 3? OPP.'***

9. It is well settled that the procedure followed for proceedings conducted by an accident tribunal is similar to that followed by a civil court and in civil matters the facts are required to be established by preponderance of probabilities only and not by strict rules of evidence or beyond reasonable doubts as are required in a criminal prosecution. The burden of proof in a civil case is never as heavy as that is required in a criminal case, but in a claim petition under the Motor Vehicles Act, this burden is infact even lesser than that in a civil case. Reference in this regard can be made to the propositions of law laid down by the Hon'ble Supreme Court in the case of **Bimla Devi and others Vs. Himachal Road Transport Corporation and others, reported in (2009) 13 SC 530,** which were reiterated in the subsequent judgment in the case of **Parmeshwari Vs. Amir Chand and others 2011 (1) SCR 1096 (Civil Appeal No.1082 of 2011)** and also recently in another case **Mangla Ram Vs. Oriental Insurance Co. Ltd. & Ors., 2018 Law Suit (SC) 303.**

10. In order to prove the present issue, the petitioners have examined PW-1, Smt. Taranpreet Kaur, wife of the deceased as **PW-1.** PW-1 deposed during the course of present enquiry that the at the relevant date, time and place, the deceased sustained fatal injuries by a vehicle bearing registration no. ***DL-1CAF-4914*** (as per DAR hereinafter referred to as ***"offending vehicle"***) which was being driven in tragic manner on account of rash and negligent driving of R-1. It is further stated that her husband was 40 years of age and was self employed and was earning Rs.1,25,000/- per month besides paying salary to five workers namely Manish Chhabra, Mahesh, Sanjay and others to the tune of Rs. 75,000/- to 80,000/- per month. It is further stated that the deceased was spending approximately Rs.30,000/- to 35,000/- per month on school fee and tuition fees and other educational expenses of minor children. Petitioners being the wife, children and mother were completely dependent upon the earnings of the deceased and seek compensation to the tune of **Rs.1,50,00,000/-** on account of the untimely death of the deceased in the aforesaid motor vehicular accident She was cross-examined by Ld. Counsel for R-3/ Insurance Company but nothing favourable came to the respondents. In totality, the testimony of PW-1 seems reliable and worth acting upon. Since, PW-1 has categorically stated that the deceased Sh. Jasvinder Singh died as driver of the offending vehicle hit the deceased due to his rash and negligent driving.

11. It is not denied that R-1 was charge-sheeted for the offences punishable under Sections 279/304A IPC in the above

FIR, which in itself is a strong circumstance to support the above oral testimony of PW-1 and the case of petitioners on this issue. The copies of FIR, charge-sheet, site plan, Seizure Memo, Arrest Memo of R-1, Mechanical Inspection Report of the offending vehicle and Postmortem Report of deceased also corroborate the testimony of PW-1.

12. In view of the above, it could be safely assumed that at the relevant time the deceased had died due to the rash and negligent driving of the offending vehicle being driven by R-1.

13. Having ruled so, this Tribunal now proceeds to assess the wrongful act, neglect or default of R-1, if any, in driving the offending vehicle at the relevant time. Admittedly, R-1 has not explained the circumstances under which the accident took place due to his rash and negligent driving. In the absence of any evidence regarding any mechanical defect in the offending vehicle or any material depicting any negligent/sudden act or omission on the part of the deceased, the only inference possible in the given facts and circumstances is that of neglect and default on the part of R-1 while driving the offending vehicle at the relevant time. In view of the above discussion, this Tribunal is constrained to hold R-1 guilty of gross neglect and default in driving the offending vehicle at the relevant time.

14. In view of the postmortem report pertaining to the deceased placed on record by the petitioners, no dispute is left regarding the death of the deceased on account of injuries sustained by him in the above accident.

15. In view of the above discussion, this Tribunal holds that the deceased lost his life on account of neglect and default of R-1 while driving the offending vehicle at the relevant time. **This issue thus stands decided against the respondents and in favour of the petitioners.**

ISSUE NO. 2

***"Whether the petitioners are entitled to any compensation, if* so, to what amount and from whom?"**

16. As this Tribunal has already held that R1 was responsible for the death of the deceased due to his neglect and default in driving the offending vehicle at the relevant time, therefore, the petitioners have become entitled to be compensated for death of deceased in the above accident, but computation of compensation and liability to pay the same are required to be decided.

COMPENSATION

17. The compensation to which the petitioners are entitled shall be under the following heads:-

(i) LOSS OF DEPENDENCY

18. In this regard, the petitioners have examined Petitioner No. 1 as **PW-1** who is the wife of deceased. PW-1 deposed that at the relevant time, the deceased was 40 years old, was self employed and was earning more than Rs.1,25,000/- per month. **In order to prove the income of the deceased, the petitioners have filed on record the ITRs of the deceased Ex.PW-1/M (Colly) for the A.Y 2011-2012 & 2024-25**

respectively.

18.1 So far as the income of the deceased is concerned, ITRs Ex. PW-1/M (Colly) have been filed for the A.Y. 2024-25 (for F.Y. 2023-24). As a matter of fact, the deceased was educated and was entrepreneur who was running his own venture/ restaurant. The gross income reflected in the Ex.PW-1/M (Colly) for A.Y. 2024-25 is Rs.6,83,760/-. However, on behalf of R-3/ Insurance Company it was contended that same was belatedly filed and same may not be considered and income equivalent to minimum wages may be considered. The contention of R-3/ Insurance Company is unacceptable for the reason that, the date of accident is 14/03/2024 i.e. the accident occurred at the end of the financial year and therefore, the ITR has to be filed after that which has been filed on 17/12/2024 and same cannot be considered as belatedly filed. Further, since the deceased was educated and was an entrepreneur and was managing/ running his own restaurant with income being reflected in the ITRs, as such minimum wages will not be applicable. Further, earlier ITRs filed on record of the deceased show that deceased was handsomely earning and his income grew over the years. Further, income reflected in the subsequent ITRs matched the socio-economic status maintained by the family members of the deceased which is substantiated by the utility bills, the school of the children and the life style of family. There seems to be no exaggeration in the income of the deceased rather the ITRs show on the conservative side. The income also matched with the vocation of the deceased. It is noteworthy that the burden of the entire family was upon the shoulders of the deceased and

reasonable income has been reflected in the ITRs,although, the wife of the deceased stated that his income was approximately Rs.1,25,000/- per month. However, the Tribunal would consider the income of deceased as per ITR Ex.PW-1/M (Colly) for the A.Y. 2024-25 i.e. at the relevant time for the purpose of quantification of compensation. Accordingly, the net income of the deceased is considered i.e. Rs.6,78,760/- [Rs.6,83,760/-*Less* Rs.5,000/- (income tax)].

19. Petitioners have claimed that the deceased was aged about 40 years at the time of his death. They have also placed on record a copy of Xth Class marksheet of deceased Ex.PW1/G, as per which the date of birth of deceased was 18/07/1984. The date of accident is 14/03/2024. Going by the said documents of the deceased, the age of deceased would be around **39 years** as on the date of accident. Hence, in view of the law laid down by the Hon'ble Supreme Court in case of **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr., (2009) 6 SCC 121**, which has also been upheld by the Constitutional Bench of the Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors. SLP (Civil) No. 25590 of 2014, decided on 31.10.2017,** the multiplier of **'15'** is held applicable for calculating the loss of dependency caused to the petitioners on account of death of the deceased.

20. **Coming to the dependency of deceased at the time of accident, it may be observed that the deceased is survived by his wife, two children and mother who are considered to be dependent upon the earnings of the deceased.**

21. Irrespective of this, ***one fourth*** of the earnings of deceased shall be deducted towards his personal and living expenses in view of the law already discussed above. Further, since this Tribunal has assumed that the age of deceased was **39 years** at the time of accident., in view of the law laid down in the case of **Pranay Sethi & Ors. (Supra)**, the petitioners are also held entitled to an addition of **50%** of the above amount of his earnings towards future prospects.

22. Thus, the loss of dependency qua the deceased in the present case comes to **Rs.1,14,54,075/- (Rs.6,78,760/- X 150/100 X 3/4 X 15).** This amount is awarded to the petitioners under this head.

(ii) COMPENSATION UNDER NON-PECUNIARY HEADS

23. In terms of propositions laid down by the Hon'ble Supreme Court in the case of **Rajwati @ Rajjo & Ors. Vs. United India Insurance Co. Ltd., Civil Appeal No. 8179/2022 decided on 09/12/2022,** the petitioners are also held entitled to amounts of Rs. 20,000/- each under the heads of loss of estate and funeral expenses. Further, in view of subsequent judgments of the Hon'ble Supreme Court in the case of ***United India Insurance Company Ltd Vs Satinder Kaur & Ors MANU/HC/0500/2020 and The New India Assurance Company Ltd & Ors Vs Somwati & Ors MANU/HC/0674/2020,*** the petitioners are also entitled to compensation under the head "loss of consortium": -

Spousal Consortium	:	Rs. 48,000/- (Rs. 48,000/- X 1)
Parental Consortium	:	Rs. 96,000/- (Rs. 48,000/- X 2)
Filial Consortium	:	Rs. 48,000/-(Rs. 48,000/- X 1)

24. **Hence, the petitioners are awarded a total sum of Rs.2,32,000/- (Rs.20,000/- + 20,000/- + Rs.1,92,000/-) under this head.**<u>**ISSUE NO.3/RELIEF**</u>

25. The petitioners are thus awarded a sum of **Rs.1,16,86,075/- (Rupees One Crore Sixteen Lakhs Eighty Six Thousand and Seventy Five Only) (Rs.1,14,54,075/- + Rs.2,32,000/-)** along with interest **@ 9%** per annum from the date of filing of **DAR i.e. 04/07/2024.** Since no interim compensation has been awarded, therefore no deduction is applicable.

<u>**RELEASE**</u>

26. Petitioners did not bother to appear before this Tribunal for recording their statements regarding financial needs and requirements.

26.1 Out of the awarded amount, Petitioner No. 1 is awarded a sum of **Rs.78,00,000/- (Rupees Seventy Eight Lakhs Only)** and the said amount is directed to be kept with State Bank of India, Branch Tis Hazari Courts, New Delhi in MACAD in the form of **195 monthly fixed deposit** receipts (FDRs) payable in equal amounts for a period of **1 to 195 months** in succession, as per the scheme formulated by **Central Motor Vehicles (fifth**

Amendment) Rules, 2022 [(Directions at serial no. 35, 36 of Procedure for Investigation of Motor Vehicle Accidents (under Rule 150A)]. The amount of FDRs on maturity would be released in her savings/MACT Claims SB Account as and when she furnishes the details of her bank account which is near the place of her residence to the Bank Manager, State Bank of India, Tis Hazari Courts, New Delhi under intimation to the Civil Nazir of this Tribunal. The remaining amount of **Rs.8,71,068/- (Rupees Eight Lakhs Seventy One Thousand and Sixty Eight Only)** is also directed to be released into her above said account, which can be withdrawn and utilized by the Petitioner no. 1.

26.2 **Rs.12,38,724/- each be kept in FDRs in the name of petitioners No. 2 & 3 till they attain majority with cumulative interest. On attaining majority, the bank shall release the interest portion to petitioners No. 2 & 3 by transferring the same to their savings bank accounts as and when they furnish the details of their bank accounts which are near the place of their residence to the Bank Manager, State Bank of India, Tis Hazari Courts, New Delhi under intimation to the Civil Nazir of this Tribunal and the principal amount of Rs.12,38,724/- each be kept in 123 FDRs of Rs. 10,000/- each for a period of 1 month to 123 months with cumulative interest in the name of Petitioners No. 2 & 3 respectively.**

26.3 Out of the awarded amount, Petitioner No. 4 is awarded a sum of **Rs.10,00,000/- (Rupees Ten Lakhs Only)** and the said amount is directed to be kept with State Bank of India, Branch Tis Hazari Courts, New Delhi in MACAD in the form of

50 monthly fixed deposit receipts (FDRs) payable in equal amounts for a period of **1 to 50 months** in succession, as per the scheme formulated by **Central Motor Vehicles (fifth Amendment) Rules, 2022 [(Directions at serial no. 35, 36 of Procedure for Investigation of Motor Vehicle Accidents (under Rule 150A)].**The amount of FDRs on maturity would be released in her savings/MACT Claims SB Account as and when she furnishes the details of her bank account which is near the place of her residence to the Bank Manager, State Bank of India, Tis Hazari Courts, New Delhi under intimation to the Civil Nazir of this Tribunal. The remaining amount of **Rs.2,38,724/- (Rupees Two Lakhs Thirty Eight Thousand Seven Hundred and Twenty Four Only)** is also directed to be released into her above said account, which can be withdrawn and utilized by the Petitioner no. 4.

27. The Bank(s) shall not permit any joint name(s) to be added in the savings bank account or fixed deposit accounts of the petitioner(s) i.e. the savings bank account(s) of the petitioner(s) shall be an individual savings bank account(s) and not a joint account(s). The original fixed deposit shall be retained by the SBI, Branch Tis Hazari Courts, Delhi in safe custody. However, the statement containing FDR number, FDR amount, date of maturity and maturity amount shall be furnished by the bank to the petitioner(s). The maturity amounts of the FDR(s) be credit by Electronic Clearing System (ECS) in the savings bank account of the petitioner(s) near the place of their residence. No loan, advance, withdrawal or pre-mature discharge be allowed on

the fixed deposits without permission of this Tribunal.

LIABILITY

28. As already stated above, R-1 being the driver and principal tortfeasor and R-2 being owner of the offending vehicle, and also being vicariously liable for the acts of R-1, are jointly and severally liable to pay the awarded amount of compensation to petitioner. However, since the offending vehicle was insured with R-3 at the time of accident, therefore, R-3/ Insurance Company is liable to indemnify R-2 in respect of above liability. As such R-3 is directed to deposit the above award amount within 30 days from the date of this Award by way of NEFT or RTGS mode in the account of this Tribunal maintained with SBI, Tis Hazari Courts, Delhi **(account holder's name-Motor Accident Claims Tribunal 02 Central, A/C No. 40743576901, IFSC Code SBIN0000726)** under intimation to the petitioners and this Tribunal in terms of the format for remittance of compensation as provided in **Divisional Manager Vs. Rajesh, 2016 SCC Online Mad. 1913 (and reiterated by Hon'ble Supreme Court in the orders dated 16.03.2021 and 16.11.2021 titled as Bajaj Allianz General Insurance Co. Pvt. Ltd. Vs. Union of India & Ors)** along with interest @ **9%** per annum till the deposit of the compensation as awarded, failing which it shall be liable to pay interest at the rate of 12% per annum for the period of delay.

29. A digital copy of this award be forwarded to the parties free of cost. Ahlmad is directed to send the copy of the award to Ld. Metropolitan Magistrate concerned and Delhi

PANKAJ SHARMA Digitally signed by PANKAJ SHARMA Date: 2025.03.19 14:22:37 +0530

Legal Services Authority in view of Central Motor Vehicles (fifth Amendment) Rules, 2022 [(Directions at serial nos. 39, 40 of Procedure for Investigation of Motor Vehicle Accidents (under Rule 150A)]. Further Nazir is directed to maintain the record in Form XVIII in view of Central Motor Vehicles (fifth Amendment) Rules, 2022 [(Directions at serial no. 41 of Procedure for Investigation of Motor Vehicle Accidents (under Rule 150A).

30. Ahlmad is directed to e-mail an authenticated copy of the award to the insurer as directed by the Hon'ble Supreme Court of India in WP (Civil) No. 534/2020 titled as ***Bajaj Allianz General Insurance Co. Pvt. Ltd.*** Vs. ***Union of India & Ors.*** on 16.03.2021. Ahlmad shall also e-mail an authenticated copy of the award to Branch Manager, SBI, Tis Hazari Courts for information.

31. Ahlmad is further directed to comply with the directions passed by the Hon'ble High Court of Delhi in MAC APP No. 10/2021 titled as ***New India Assurance Company Ltd.*** Vs. ***Sangeeta Vaid & Ors.***, date of decision : 06.01.2021 regarding digitisation of the records.

File be consigned to Record Room.

A separate file be prepared for compliance report and put up the same on **19.04.2025.**

PANKAJ SHARMA Digitally signed by PANKAJ SHARMA Date: 2025.03.19 14:22:41 +0530

Announced in the open court
On this 19.03.2025

(DR. PANKAJ SHARMA)
Judge, MACT-02 (CENTRAL)
Delhi/19/03/2025

PANKAJ SHARMA Digitally signed by PANKAJ SHARMA Date: 2025.03.19 14:22:45 +0530

FORM – XV, Central Motor Vehicles (fifth Amendment) Rules, 2022 (Pl. see Rule 150A)

SUMMARY OF COMPUTATION OF AWARD AMOUNT IN DEATH CASES

1.	Date of accident.	:	14/03/2024
2.	Name of the deceased	:	Sh.Jasvinder Singh Jaggi
3.	Age of the deceased	:	39 years
4.	Occupation of the deceased	:	Self Employed
5.	Income of the deceased	:	Assessed on the basis of ITRs at the relevant time

6. Name, age and relationship of legal representative of deceased:-

S. No.	**Name**	**Age**	**Relation**
(1)	Taranpreet Kaur	38 Years	Wife of the deceased
(2)	Harsimar Kaur Jaggi	16 Years	Daughter of the deceased
(3)	Rasjog Singh	11 Years	Son of the deceased
(4)	Harjit Kaur	61 Years	Mother of the deceased

Computation of Compensation

Sr. No.	**Heads**	**Awarded by the Claims Tribunal**
7.	Annual Income of the deceased**(A)**	Rs.6,78,760/-
8.	Add-Future Prospects **(B)**	50%
9.	Less-Personal expenses of the deceased**(C)**	1/4th deduction has been done
10.	Annual loss of	Rs.7,63,605/-

PANKAJ SHARMA Digitally signed by PANKAJ SHARMA Date: 2025.03.19 14:22:54 +0530

	dependency**[(A+B)-C=D]**	
11.	Annual loss of dependency **(Dx12)**	As above
12.	Multiplier**(E)**	'15'
13.	Total loss of dependency **(Dx12xE= F)**	Rs.1,14,54,075/-
14.	Medical Expenses**(G)**	NIL
15.	Compensation for loss of consortium**(H)**	Rs. 1,92,000/-
16.	Compensation for loss of love and affection **(I)**	NIL
17.	Compensation for loss of estate**(J)**	Rs. 20,000/-
18.	Compensation towards funeral expenses**(K)**	Rs. 20,000/-
19.	**TOTAL COMPENSATION(F+G+H+I+J+K=L)**	**Rs.1,16,86,075/-**

20.	**RATE OF INTEREST AWARDED**	**9%**
21.	Interest amount up to the date of award**(M)**	**Rs.7,01,165/- (rounded off)**
22.	Total amount including interest**(L + M)**	**Rs.1,23,87,240/-**
23.	Award amount released	**P-1 : Rs.8,71,068/-** **P-4 : Rs.2,38,724/-**
24.	Award amount kept in FDRs	As per award
25.	Mode of disbursement of the award amount to the petitioner (s)	Mentioned in the award
26.	Next date for compliance of the award	**19/04/2025**

CONCLUSION:-

1. As per award dated 19.03.2025

2. A separate file was ordered to be prepared by the Nazir wit h directions to put up the same on **19.04.2025**.

PANKAJ SHARMA Digitally signed by PANKAJ SHARMA Date: 2025.03.19 14:23:03 +0530

(DR. PANKAJ SHARMA)
PO MACT-02 (CENTRAL)
DELHI/19.03.2025

PANKAJ SHARMA Digitally signed by PANKAJ SHARMA Date: 2025.03.19 14:23:06 +0530