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Misc DJ 549/26
(MACT No. 468/2025)
FIR No. : 707/2024
PS : Burari
RAVI KR.(AWARD
CORR./468/25)
Vs.
RAJESH KR

10.09.2026

Present: Sh.Akshay Kumar, Ld. Counsel for the petitioner.
None for respondent nos. 1 & 2.
Sh.Abhishek Tyagi , Ld. Counsel for respondent no.
3 through. VC.

1. Matter is listed for orders today on the application under Section 152 CPC filed by the petitioner. Arguments were advanced on the LDOH. I have also gone through the record.

2. This is the second application filed by the petitioner under Section 152 CPC. In the present matter, vide award dt. 14.07.2026, compensation to the tune of Rs.1,21,61,058/- was passed in the favour of the petitioner along with interest @ 9% per annum. While assessing the income of the petitioner, minimum wages payable to a non matriculate were taken as the petitioner was 10th pass and no other income or employment proof was placed on record. It is submitted by the Ld. Counsel for the petitioner that the minimum wages were taken incorrectly. As the petitioner was 10th pass, he was a matriculate and hence, the minimum wages should have been taken accordingly.

3. A similar application was earlier filed by the petitioner which was disposed off vide order dt. 24.08.2026. At

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that time, it was noted that a matriculate is a 12th pass person and not 10th pass. During the course of the arguments of the present application, Ld. Counsel for the petitioner has placed on record copy of a Gazette notification bearing GSR No. 46 dt. 20.01.2025 issued by Ministry of Health and Family Welfare for recruitment for the post of Nursing Orderly. In the said notification, where educational qualifications of an applicant are mentioned, it is mentioned that “Matriculation (10th Class Pass)”. It is submitted by the Ld. Counsel for the petitioner that the same clearly indicates that a tenth class pass is a matriculate and hence, the income of the petitioner has to be assessed as per minimum wages payable to a matriculate.

4. Further, it is submitted by Ld. Counsel for the petitioner that even otherwise, there was a calculation error in the award amount. It seems that the amount awarded under the head of future loss of income was not added in the total amount. Hence, it is submitted that the total compensation amount may be re-calculated and the interest may also be re-calculated accordingly.

5. Ld. Counsel for the respondent no. 3 submits that there is no objection to the present application.

6. Record perused.

7. As mentioned above, while calculating the income of the petitioner, the assessment was done on the basis of minimum wages payable to a non matriculate as the court was

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under an apprehension that a 10th pass is not a matriculate. However, in view of the Gazette Notification as mentioned above, the same was taken wrongly. As a 10th pass is a matriculate, the minimum wages payable to a matriculate have to be applied. The date of accident is 11.11.2024. As per the relevant notification, the minimum wages payable to a matriculate as on that date were Rs. 21,927/- per month.

8. Accordingly, the award is modified vide a separate detailed order and the total compensation amount and the interest payable is re-calculated as payable up to date @ 9% per annum. The default interest @ 12% per annum shall be payable after expiry of 30 days from the date of the order of the modified award i.e. today. Application disposed off accordingly.

9. Ahlmad is directed to e-mail an authenticated copy of the award to the insurance company for compliance within the time granted 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. The said respondent is further directed to give intimation of deposit of the compensation amount to the claimant and shall file a compliance report with the Claims Tribunal with respect to the deposit of the compensation amount within 15 days of the deposit with a copy to the Claimant and his counsel.

10. Ahlmad shall also e-mail an authenticated copy of the award to Branch Manager, SBI, Tis Hazari Courts for

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information. A digital copy of this award be forwarded to the parties free of cost.

11. Ahlmad is directed to send the copy of the award to Ld. Metropolitan Magistrate concerned and Delhi 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)].

12. Civil Nazir is directed to place a report on record on **10.10.2026** in the event of non-receipt/deposit of the compensation amount within the time granted. Further, Civil 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)).

13. 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 tagged with the main file and be consigned to Record Room after due compliance.

(Ruchika Singla)
Presiding Officer, MACT-01 (Central)
THC/Delhi/10.09.2026