

**IN THE COURT OF MS. RICHA MANCHANDA, PRESIDING OFFICER,
MOTOR ACCIDENT CLAIMS TRIBUNAL, NORTH DISTRICT,
ROHINI COURTS, DELHI**

MAC Petition No. 256/23

UID/CNR No. DLNT01-003500-2023



1. Smt. Neema,
W/o Late Sh. Sudarshan,
(Widow of deceased)
2. Minakshi,
D/o Late Sh. Sudarshan,
(Minor daughter of deceased)
3. Nidhi,
D/o Late Sh. Sudarshan,
(Minor daughter of deceased)
4. Nivanshi,
D/o Late Sh. Sudarshan,
(Minor daughter of deceased)
5. Ishwar Lal,
S/o Dharm Singh,
(Father of deceased)
6. Smt. Bharpai,
W/o Sh. Ishwar Lal,
(Mother of deceased)

All R/o. H. No. 110,
Village Sannoth,
Near Balmiki Mandir,
Narela, Delhi.

.....Petitioners

VERSUS

1. Sh. Rahul,
S/o Sh. Ajeet Singh,
R/o VPO Nahri,
PS. Kundli,
District Sonipat,
Haryana.
(Driver)

2. A.K.S. Electrical and Electronics Pvt. Ltd.
Through its Director
Sh. Arun Kumar,
S/o Sh. Sher Singh,
S-1, BS Road, Industrial Area,
Ghaziabad, UP.
(Registered owner)

3. Sh. Devender Sharma,
S/o Sh. Prem Chand,
Shop No. 5,
Sanatan Dharam Mandir,
Nimri Colony,
Ashok Vihar,
Delhi.
(Possessory owner)

4. Reliance General Insurance Co. Ltd.
Office No. 10, 14th & 15th Floor,
Vijaya Building,
17, Barakhamba Road,
Connaught Place,
New Delhi.
(Insurer)

.....**Respondents**

MAC Petition No. 257/23
UID/CNR No. DLNT01-003501-2023

Sh. Suraj,
S/o Sh. Dinanath,
R/o AP-58, Sector – 2,
DSIIDC, Bawana,
Delhi.



.....Petitioner

VERSUS

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S/o Sh. Ajeet Singh,
R/o VPO Nahri,
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.....Respondents

Date of Institution : 06.04.2023
Date of Arguments : 14.03.2026
Date of Judgment : 14.03.2026

APPEARENCE(S):

Sh. Amitabh Jha, Ld. Counsel for petitioners/Lrs of deceased.

Ms. Deepika Yadav, Ld. Counsel for petitioner/injured Suraj.

None for driver.

None for possessory owner (*defence struck off in respect of possessory owner vide order dated 11.02.2025*).

Sh. Dinesh Kumar, Ld. Counsel for registered owner.

Sh. Sujit Jaiswal, Ld. Counsel for insurance company.

Petition under Section 166 & 140 of M.V. Act, 1988
for grant of compensation

CONSOLIDATED AWARD

1. Vide this common order, I shall dispose of both the Detailed Accident Reports (DARs) with regard to fatal injuries sustained by Sh. Sudarshan (deceased in MACP No. 256/23) and injuries sustained by Sh. Suraj (injured in MACP No. 257/23) in a Motor Vehicular Accident which occurred on 17.10.2021 at about 7:30 am, near DD Mall, T-Point,

Sector – 5, DSIIDC, Bawana, Delhi, involving vehicle bearing registration no. UP14-BS-0008 (**offending vehicle**) being driven in a rash and negligent manner by its driver/respondent no.1.

2. Both the DARs were consolidated for the purpose of recording of evidence vide order dated 11.02.2025 and MACP No. 256/23 titled as **“Neema & Ors. Vs. Rahul & Ors.”** was treated as the leading case. Accordingly, the evidence was led on behalf of the parties in the leading case.

FACTS OF THE CASES

3. According to DAR filed in both the cases, on 17.10.2021, Sudarshan (deceased) and Suraj (injured) were going from Sector – 5, DSIIDC Bawana, Delhi to Sector – 2, Bawana, Delhi by E-Rickshaw bearing registration no. DL11-BA-3921 which was being driven by deceased Sudarshan at the time of accident. At about 7:30 am, when they reached near T-Point of DD Mall, Sector – 5, DSIIDC, Bawana, Delhi, all of a sudden one vehicle i.e., Pajero Sport bearing registration no. UP14-BS-0008 which was being driven by its driver at a very high speed, in a rash and negligent driving, came and hit against the E-Rickshaw of the deceased from the right side, due to which, deceased and injured both fell down on the road and sustained injuries. Thereafter, they both were taken to M.V. Hospital, Pooth Khur, Delhi. Postmortem of deceased was conducted at Safdarjung Hospital,

vide PMR No. 2504/21 on 19.10.2021. FIR No. 651/21 u/s. 279/337/304A/201 IPC was registered against the driver of the aforesaid truck at PS. Narela Industrial Area. It is claimed that offending vehicle was owned by respondent no.2 and was insured with respondent no. 3 during the period in question.

4. In his written statement, the respondent no. 1 i.e., driver claimed that the alleged accident was not caused by his vehicle and he has been falsely implicated in the present case. He further claimed that respondent no. 1 was having valid driving licence at the time of accident. Alternatively, he claimed that alleged offending vehicle was insured with respondent no. 3 at the time of accident and thus, insurance company is liable to pay compensation, if any to the petitioners.

5. In its written statement, the respondent no. 2 i.e., registered owner claimed that it had sold the alleged offending vehicle on 14.03.2019 to one Sh. Vikramjeet Sheriya and also given the possession to him on the same day, however, the purchaser did not get the aforesaid vehicle transferred in his name despite repeated requests. Alternatively, it is claimed that alleged offending vehicle was insured with respondent no. 3 at the time of accident and thus, insurance company is liable to pay compensation, if any to the petitioners.

6. The respondent no. 3 i.e., possessory owner has failed to file his WS despite grant of sufficient time and opportunities. Consequently, his defence was struck off vide order dated 11.02.2025.

7. In its written statement, the respondent no. 4 i.e., insurance company claimed that alleged accident was not caused by the alleged offending vehicle and the same has been falsely implicated in the present case. It is further claimed that alleged offending vehicle has already been sold by respondent no. 2 to one Sh. Vikramjeet Sheriya who further sold the vehicle to one Sh. Devender who is respondent no. 3 in the present case. However, it is admitted that offending vehicle was insured with it at the time of accident.

8. From the pleading of the parties, the following issues were framed in MACP No. 256/23 vide order dated 11.02.2025:-

1) Whether deceased Sudarshan has died in the road traffic accident on 17.10.2021 at about 7:30 AM at Near DD Mall, T Point, Sector – 5, DSIIDC Bawana, Delhi, within the jurisdiction of PS. Narela Industrial Area, due to rashness and negligence on the part of Sh. Rahul/R1 who was driving vehicle bearing registration no. UP14-BS-0008, owned by registered owner Shri Arun Soam/R2 and possessed by possessory owner Shri Devender Sharma/R3 and insured with Reliance General Insurance Company Ltd./R4? OPP.

2) Whether the petitioners are entitled to compensation, if so, to what extent and from which of the respondents? OPP.

3) Relief.

9. From the pleading of the parties, the following issues were framed in MACP No. 257/23 vide order dated 11.02.2025 :-

1) Whether the injured Suraj suffered injuries in the road traffic accident on 17.10.2021 at about 7:30 AM at Near DD Mall, T Point, Sector – 5, DSIIDC Bawana, Delhi, within the jurisdiction of PS. Narela Industrial Area, due to rashness and negligence on the part of Sh. Rahul/R1 who was driving vehicle bearing registration no. UP14-BS-0008, owned by registered owner Shri Arun Soam/R2 and possessed by possessory owner Shri Devender Sharma/R3 and insured with Reliance General Insurance Company Ltd./R4? OPP.

2) Whether the injured is entitled to any compensation, if so, to what amount and from whom? OPP.

3) Relief.

10. In order to establish their claim, the petitioners have examined three witnesses i.e. PW1 Smt. Neema (Widow of deceased), PW2 Sh. Virender Singh(alleged eyewitness) and PW3 Sh. Suraj (injured as well as eyewitness) and their evidence was closed vide order dated 16.09.2025.

On the other hand, no evidence was adduced by any of the respondents and their respective evidence was closed vide order dated 18.11.2025.

11. This Tribunal has carefully perused DAR and evidence led by parties has been duly appreciated. All documents and material relied upon perused and considered. Arguments addressed by respective counsels heard and considered. Legal position, both statutory and binding applicable precedents, has been appreciated. The issue wise determination is as under:-

ISSUE NO. 1 (IN BOTH THE CASES)

12. The onus to prove, the aforesaid issue was placed on the petitioner(s)/injured. To prove the said issues, petitioner(s) have examined PW2 Sh. Virender Singh (alleged eyewitness) and PW3 Sh. Suraj (injured in the accident in question). PW2 Sh. Virender Singh has deposed in his evidence that he was a Fruit Vendor. He further deposed that on 17.10.2021, he had installed rehri of fruits in the morning and a white colour car was coming from Samosa Chowk side at a very high speed. He further deposed that the driver of the said car alighted from the car and after alighting from the car, the driver had noticed that persons had received serious injuries. He further deposed that then the driver reversed his vehicle and then fled away from the place of accident towards Kabadi Chowk. He further deposed that the number of the aforesaid car was UP14-BS-0008. He further deposed that

police had inquired him about the accident. He further deposed that the accident was caused solely on account of rash and negligent driving on the part of the abovementioned car. He further deposed that the aforesaid car was Pajero. During his cross-examination on behalf of insurance company and registered owner, he deposed that he was standing with his Rehri at a place which was about 100 meter from the place of accident. He further deposed that since it was morning, there was not much traffic on the road. He further deposed that the E-Rickshaw was coming from the side of Sanoth Village and had to go towards Samosa Chowk. He further deposed that there was a T-Point where the accident took place. He further deposed that he had stated that the E-Rickshaw had to go towards Samosa Chowk as all such vehicles used to go in that direction only. He denied the suggestion that the accident took place due to negligence of the driver of the E-Rickshaw and there was no negligence on the part of respondent no. 1. He further denied the suggestion that he had not seen the accident and he reached at the spot after the accident had already taken place. He further deposed that his statement was recorded by the police on the date of accident as well as after 15 days of the accident. He further deposed that his signature was also taken by the police. He further deposed that he did not know the deceased or his family prior to the accident.

13. PW3 Suraj has deposed in his evidence by way of affidavit Ex. PW3/A that on 17.10.2021 at about 7:30 am, he alongwith deceased namely

Sudarshan were going from Sector – 5, DSIIDC Bawana, Delhi to Sector – 2, Bawana, Delhi by his E-Rickshaw bearing registration no. DL11-EA-3921 which was being driven by deceased. He further deposed that at about 7:30 am, when they reached near T-Point of DD Mall, Sector – 5, DSIIDC Bawana, Delhi, all of a sudden the offending vehicle i.e., Pajero Sport bearing registration no. UP14-BS-0008 which was being driven by its driver at a very high speed, in rash and negligent manner, hits the aforesaid E-Rickshaw from the right side, as a result of which, they both fell down on the road and sustained injuries. He has relied upon the following documents:-

S.No.	Description of documents	Remarks
1.	Copy of his Aadhaar Card	Ex. PW3/1(OSR)
2.	Copy of his PAN Card	Mark A
3.	Original medical bills with bill summary	Ex. PW3/3(colly, 5 pages)
4.	His Original medical prescription/treatment record	Ex. PW3/4(colly, 24 pages)
5.	Certified copy of complete DAR	Ex. PW1/1(colly)

14. PW3/injured was cross-examined on behalf of insurance company and registered owner during which he deposed that he was travelling in the E-Rickshaw as a paid passenger. He further deposed that he was coming from Sector – 5, DSIIDC Bawana towards Bawana. He further

deposed that there was no chowk at the place of accident. He further deposed that the offending vehicle came from opposite direction. He further deposed that he had seen the offending vehicle prior to the accident coming from opposite direction. He denied the suggestion that he had not seen the offending vehicle and he was falsely stating so. He further denied the suggestion that the accident took place due to rash and negligent driving of the driver of E-Rickshaw and there were no negligence on the part of respondent no. 1.

15. It is an undisputed fact that FIR No. 651/21 u/s 279/337 IPC was registered at PS. Narela Industrial Area with regard to accident in question. Copy of said FIR (which is part of DAR), would show that same was registered on the date of accident itself i.e., 17.10.2021 on the basis of statement of complainant Meer Singh. The respondents no. 1 & 2 have failed to substantiate the plea that petitioners had any kind of ill will or enmity against them so as to falsely implicate respondent no. 1 in criminal case or to depose falsely against him during the course of inquiry. Furthermore, said FIR is shown to have been registered on the date of accident itself i.e., 17.10.2021. Thus, there is no possibility of false implication of driver and owner and / or false involvement of offending vehicle at the instance of the petitioners.

16. The facts of the case, arguments of the Ld. Counsels, evidence, material on record and duly verified documents of the criminal case, have

been carefully examined and scrutinized. Respondent no. 1 namely Rahul has been charge sheeted for offences punishable U/s. 279/337/304A/201 IPC by the investigating agency after arriving at the conclusion on the basis of investigation carried out by it that the accident in question has taken place due to rash and negligent driving of offending vehicle by him. Same would also point out towards rash and negligent driving of offending vehicle by respondent no. 1.

17. Further, there is no gainsaying that respondent No.1/driver of offending vehicle was the other material witness to throw light by testifying as to how and under what circumstances, the accident has taken place. However, he has preferred not to enter into the witness box. Thus, an adverse inference is liable to be drawn against him to the effect that the accident in question has taken place due to rash and negligent driving of the offending vehicle by the respondent no. 1. There is nothing on record to show that the petitioner had any enmity with the driver of the offending vehicle so as to falsely implicate him in this case. Reliance placed on **Cholamandalam MS General Insurance Co. Ltd. V. Kamlesh & Ors, MAC APP. No. 530/2008** passed by Hon'ble Delhi High Court on 11.11.2008.

18. Copy of MLC (which is also part of DAR) of injured would show that he was taken to M.V. Hospital, Delhi with alleged history of RTA on 17.10.2021 at about 8:03 am. He is shown to have sustained '**Simple**'

injuries as mentioned therein. Not only this, postmortem was got conducted on the body of deceased Sudarshan. The copy of PM Report (which is also part of DAR) of deceased, would show that cause of death of deceased was cranio-cerebral damage consequent to blunt force impact to the head. All the injuries were ante-mortem in nature and could be possible in the case of road traffic accident. The external injuries as mentioned in the relevant column correspond with the injuries which occur in Motor Vehicular Accident. Said documents have not been disputed from the side of respondents.

19. In view of the aforesaid discussion and the evidence which has come on record, it is held that the petitioner(s) have been able to prove on the basis of preponderance of probabilities that **Sudarshan** had sustained fatal injuries, whereas petitioner **Suraj** had sustained simple injuries in the road accident which took place on 17.10.2021 at about 7:30 am, near DD Mall, T-Point, Sector – 5, DSIIDC, Bawana, Delhi, due to rash and negligent driving on the part of driver of offending vehicle. Thus, issue no. 1 is decided in favour of petitioners and against the respondents in both the cases.

ISSUE NO. 2

20. Section 168 of the Motor Vehicle Act 1988 enjoins upon the Claims Tribunal to hold an inquiry into the claim to make an award determining the amount of compensation which appears to it to be just and

reasonable. The guiding principles for assessment of “just and reasonable compensation” in fatal case has been laid down by Hon’ble Supreme Court of India, in case titled as **Smt. Anjali & Ors., Vs. Lokendra Rathod & Ors.**, in Civil Appeal No. 9014 of 202, decided on 06.12.2022 that: -

"The provisions of the Motor Vehicles Act, 1988 (for short, "MV Act") gives paramount importance to the concept of 'just and fair' compensation. It is a beneficial legislation which has been framed with the object of providing relief to the victims or their families. Section 168 of the MV Act deals with the concept of 'just compensation' which ought to be determined on the foundation of fairness, reasonableness and equitability. Although such determination can never be arithmetically exact or perfect, an endeavor should be made by the Court to award just and fair compensation irrespective of the amount claimed by the applicant/s. In Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.3, this Court has laid down as under:

"16. "Just compensation" is adequate compensation which is fair and equitable, on the facts and circumstances of the case, to make good the loss suffered as a result of the wrong, as far as money can do so, by applying the well settled principles relating to award of compensation. It is not intended to be a bonanza, largesse or source of profit."

21. The intent and objective of the Beneficial Legislation is to grant equitable compensation to the vulnerable victims of road accidents and dynamic law has evolved towards grant of just and fair quantum of awards

and has brought consistency and uniformity towards the desired goal. The Hon'ble Apex Court in "**Sarla Verma v. Delhi Transport Corporation**" (2009) 6 SCC 121, which was affirmed by a bench of three Hon'ble Judges in **Reshma Kumari & Ors. Vs. Madan Mohan & Anr.**, (2013) 9 SCC 65, held as under:

"16. "Just compensation" is adequate compensation which is fair and equitable, on the facts and circumstances of the case, to make good the loss suffered as a result of the wrong, as far as money can do so, by applying the well settled principles relating to award of compensation. It is not intended to be a bonanza, largesse or source of profit.

17. Assessment of compensation though involving certain hypothetical considerations, should nevertheless be objective. Justice and justness emanate from equality in treatment, consistency and thoroughness in adjudication, and fairness and uniformity in the decision making process and the decisions. While it may not be possible to have mathematical precision or identical awards, in assessing compensation, same or similar facts should lead to awards in the same range. When the factors/inputs are the same, and the formula/legal principles are the same, consistency and uniformity, and not divergence and freakiness, should be the result of adjudication to arrive at just compensation..."

22. These guiding principles for assessment of "just and reasonable compensation" have been torch bearer in injury cases also as laid down by Hon'ble Delhi High Court, in III (2007), ACC 676 titled as **Oriental Insurance Co., Ltd., Vs. Vijay Kumar Mittal & Ors.**, wherein it has been held:-

"10. The possession of one's own body is the first and most

valuable all human rights and while awarding compensation for bodily injuries this primary element is to be kept in mind. Bodily injury is to be treated and varies on account of gravity of bodily injury. Though it is impossible to equate money with human suffering, agony and personal deprivation, the Court and Tribunal should make an honest and serious attempt to award damages so far as money can compensate the loss. Regard must be given to the gravity and degree of deprivation as well as the degree of awareness of the deprivation. Damages awarded in personal injury cases must be substantial and not token damages.....”

11. The general principle which should govern the assessment of damages in persons injury cases is that the Court should award to injured persons such a sum as will put him in the same position as he would have been in the same position as he would have been in if he had not sustained injuries”.

23. The Hon'ble Apex Court has held that the compensation should be just and is not expected to be a windfall or a bonanza nor it should be niggardly or a pittance. Reliance is placed on 2012 (8) SLT 676 titled **K. Suresh Vs. New India Assurance Co. Ltd.** The aforesaid Principle of law has also been reiterated by a landmark judgment of the Hon'ble Supreme Court in 2017 (13) SCALE 12 : 2017 XI AD (SC) 113 titled **National Insurance Co. Ltd. Vs. Pranay Sethi and Ors.** Accordingly, the quantum of appropriate and adequate compensation to the victims of road accident is to be derived after assessment of various relevant parameters, as per law. Hereinafter, assessment is divided into several criteria, as applicable to the facts of the present case.

COMPENSATION IN CASE MACP NO. 256/23

LOSS OF DEPENDENCY(DECEASED SUDARSHAN)

24. The claimants/petitioners are the widow, three minor daughters and parents of deceased. The petitioners have examined PW1 Smt. Neema (widow of deceased) under this head by way of her affidavit Ex. PW1/A. PW1 has deposed in her evidence by way of affidavit Ex. PW1/A that deceased was aged about 34 years, he was self employed as a battery rickshaw driver and was earning Rs. 30,000/- per month at the time of accident. She further deposed that all the petitioners were dependent upon the deceased at the time of accident. She has relied upon following documents:-

S.No.	Description of documents	Remarks
1.	DAR	Ex PW1/1(Colly)
2.	Copy of Aadhaar Card of deceased Sudarshan	Ex. PW1/2(OSR)
3.	Copy of DL of deceased	Ex. PW1/3(OSR)
4.	Copy of her Aadhaar Card	Ex. PW1/4(OSR)
5.	Copy of Aadhaar Card of petitioner Minakshi	Ex. PW1/5(OSR)
6.	Copy of Aadhaar Card of petitioner Nidhi	Ex. PW1/6(OSR)
7.	Copy of Aadhaar Card of petitioner Ishwar Lal	Ex. PW1/7(OSR)
8.	Copy of Aadhaar Card of petitioner Bharpai	Ex. PW1/8(OSR)
9.	Copy of Aadhaar Card of petitioner Nivanshi	Ex. PW1/9(OSR)
10.	Copy of RC of battery rickshaw of	Mark A

	deceased	
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25. During cross-examination of PW1 (widow of deceased) on behalf of insurance company and registered owner, she deposed that she was not an eyewitness of the accident. She further deposed that she did not have any document to show that deceased was earning Rs. 30,000/- per month. She denied the suggestion that deceased was not earning Rs.30,000/- per month as claimed by him. She further denied the suggestion that two battery rickshaw as mentioned para no. 3 of her affidavit were still being used to earn money.

26. Ld. Counsel for petitioners vehemently argued that since deceased was not having permanent job and he was aged about 34 years at the time of accident, future prospects @ 40% should also be awarded in favour of the petitioners.

27. As already noted above, PW1 Smt. Neema, who is widow of deceased deposed in her evidence that deceased was self employed and was earning Rs. 30,000/- per month at the time of accident. Apart from the bald statement made by PW1 that deceased was earning Rs. 30,000/- per month, no definite evidence whatsoever has been brought on record to prove the monthly income of deceased at the time of accident in question. Petitioners have also failed to file any educational qualification documents of the deceased.

28. It is seen that the petitioners are not having any proof regarding income of deceased nor having any qualification documents, either educational or vocational, of deceased. However, the petitioner has relied upon DL of deceased. **It may be noted here that as per DL (Ex. PW1/3) of deceased, deceased was allowed to drive the vehicle falls under the category of MCYL & LMV(NT) only. However, separate endorsement is required for driving of E-Rickshaw. Hence, I am not in agreement with the contention of Ld. Counsel for petitioners to the effect that deceased shall be considered as skilled worker.** Thus, in the absence of any relevant document in respect of working and earning of deceased, I am of the view that income of deceased should be assessed as per the minimum wages of an unskilled person, applicable in the State of Delhi as on the date of accident. The minimum wages of an unskilled person were **Rs. 16,064/-**per month as on the date of accident which is 17.10.2021.

29. The petitioners have claimed that deceased was aged about 34 years as on the date of accident. In order to consider the age of deceased, the relevant document on record is copy of his Aadhaar Card (Ex. PW1/2) wherein his date of birth is mentioned as 12.12.1987. This document has not been disproved by the respondents. Therefore, it stands proved that date of birth of deceased is 12.12.1987 and thus, he was aged about **34 years** as on the date of accident i.e. 17.10.2021. Hence, the multiplier of **16** would be applicable in view of pronouncement made by Constitutional Bench of Apex

Court in the case titled as *“Sarla Verma Vs. DTC” 2009 ACJ 1298 SC.*

30. Considering the age of deceased, future prospects @ 40% has to be awarded in favour of petitioners in view of pronouncement made by Constitutional Bench of Apex Court in the case titled as *“National Insurance Company Ltd. Vs. Pranay Sethi & Ors.” Civil Appeal No. 6961/2015 decided on 31.10.2017*, as well as in view of decision of Hon'ble High Court of Delhi in appeal bearing MAC APP No. 798/2011 titled as *“Bajaj Allianz General Insurance Company Ltd. Vs. Pooja & Ors”*, decided on 02.11.17.

31. It is stated that the deceased was survived by six dependents i.e. widow, three minor daughters and parents of deceased. However, Ld. Counsel for insurance company argued that father of deceased was not dependent upon the deceased at the time of accident. However, no evidence in this regard has been adduced by insurance company to prove the said fact.

32. In view of the aforesaid and considering all the facts and circumstances, it is held that there were six dependents i.e. widow, three minor daughters and parents of deceased at the time of accident. Hence, there has to be deduction of **one fourth** as held in the case of **Sarla Verma** mentioned supra. Thus, the total of loss of dependency would come out to Rs. 32,38,502.40p (Rs. 16,064/- X 3/4 X 140/100 X 12 X 16). Hence, a sum of **Rs. 32,38,502.40p** is awarded under this head in favour of the petitioners.

LOSS OF CONSORTIUM

33. In view of the judgment of Hon'ble Supreme Court of India in case titled as, **Pranay Sethi case** (*supra*), the Tribunal considers that all the petitioners are entitled for payment of **Rs. 40,000/- each** towards “loss of consortium”. By way of pronouncement of **Pranay Sethi case** (*supra*), the Hon'ble Supreme Court of India has been pleased to hold that there shall be an increase of 10% on account of ‘inflation’ after a period of three years. Applying, the afore-cited binding law the The Hon'ble Supreme Court in **Hasina Yasmin & Ors. V. National Insurance Co. Ltd. & Anr., Special Leave Petition (C). No. 27285 of 2025 vide judgment pronounced on 17.12.2025** has been pleased to direct the entitlement of dependents to 10% increase in the year 2020, only in those cases where the accident had occurred after 2017. Accordingly, all the petitioners are entitled to a sum of **Rs. 44,000/- each (Rs. 40,000/- + 10% of Rs. 40,000/-)** towards “loss of consortium”. [As per the judgment Hasina Yasmin (Supra), one escalation of 10% is awarded since the date of accident in the present matter is 17.10.2021].

LOSS OF ESTATE & FUNERAL EXPENSES

34. In view of the facts and circumstances of the present case and in view of decision of Hon'ble Apex Court in the case of **Pranay Sethi** (*supra*) which has been re-enforced in **Hasina Yasmin** (*supra*), the Tribunal considers

that all the petitioners are also entitled for payment of **Rs. 16,500/- (Rs. 15,000/- + 10% of Rs. 15,000/-)** on account of “loss of estate” and for equal payment of **Rs. 16,500/- (Rs. 15,000/- + 10% of Rs. 15,000/-)** towards “funeral expenses”. [As per the judgment **Hasina Yasmin (Supra)**, one escalation of 10% is awarded since the date of accident in the present matter is 17.10.2021].

35. Therefore, on the basis of the above discussion, the compensation is quantified as below:

1. Loss of dependency	Rs. 32,38,502.40p
2. Loss of Consortium	Rs. 2,64,000/-
3. Loss of Estate & Funeral	Rs. 33,000/-
<u>Total</u>	Rs. 35,35,502.40p
<u>Rounded off to</u>	Rs. 35,36,000/-

COMPENSATION IN CASE MACP NO. 257/23

(INJURED SURAJ)

COMPENSATION

36. Injured himself as PW1 has deposed in his evidence by way of affidavit(Ex PW3/A) that he had sustained grievous injuries in the accident in question but as per medical record the petitioner has suffered simple injury. There is nothing on record to support the submission of petitioner regarding

grievous hurt. In view of the same, looking at the simple nature of injuries, a notional sum of **Rs. 40,000/-** (including Rs. 14,059/- spend on medical treatment) is awarded to the petitioner towards medical expenditure, loss of income, pain and suffering and also towards conveyance and special diet.

37. Now, the question which arises for determination is as to which of the respondents is liable to pay the compensation amount. Respondent no. 3/insurance company did not adduce any evidence as it had no statutory defence. It is nowhere the case of insurance company that any term or condition of insurance policy was breached/violated by insured. Keeping in view the existence of valid insurance policy, respondent no. 4/insurance company becomes liable to pay the compensation amount, as insurance company is liable to indemnify the insured. Issue no. 2 is decided accordingly.

ISSUE NO. 3 RELIEF

38. In view of my findings on issues no. 1 & 2, following order is passed after relying upon judgment “*United India Insurance Co. Ltd. V. Baby Raksha & Ors.*”, *MAC APP. No. 36/2023 on 21.04.2023*, on the point of interest.

a) A sum of **Rs. 35,36,000/-**(Rupees Thirty Five Lakhs and Thirty Six Thousand Only) (including interim award amount, if any) in MAC Petition No. 256/23 alongwith interest @ 7.5% per annum in favour of

petitioners and against the respondents w.e.f. date of filing of the petition *i.e.* 06.04.2023 till the date of its realization.

b) A sum of **Rs. 40,000/- (Rupees Twenty Five Thousand only)** in MAC Petition No. 257/23 alongwith interest @ 7.5% per annum in favour of petitioner and against the respondents w.e.f. date of filing of the petition *i.e.* 06.04.2023 till the date of its realization.

Issue no. 3 is decided accordingly.

APPORTIONMENT

39. Statements of petitioners in terms of Clause 29 MCTAP were recorded in both the cases on 18.11.2025. Having regard to the facts and circumstances of the case and in view of their statements, it is hereby ordered that out of total compensation amount in MAC Petition No. 256/23, the petitioner no. 1 Smt. Neema (**Widow of deceased**) shall be entitled to share amount of **Rs. 10,36,000/- (Rupees Ten Lakhs and Thirty Six Thousand Only)** alongwith proportionate interest, the petitioner no. 2 to 4 namely Minakshi, Nidhi and Nivanshi (**Minor daughters of deceased**) shall be entitled to share amount of **Rs. 5,00,000/- each (Rupees Five Lakhs Only)** alongwith proportionate interest, the petitioner no. 5 & 6 namely Sh. Ishwar Lal (**father of deceased**) and Smt. Bharpai (**mother of deceased**) shall be entitled to share amount of **Rs. 5,00,000/- each (Rupees Five Lakhs Only)** alongwith proportionate interest.

40. In MACP No. 256/23, out of share amount of petitioner no. 1, a sum of **Rs. 3,36,000/- (Rupees Three Lakhs and Thirty Six Thousand Only)** is directed to be immediately released to her through her saving bank account and remaining amount is directed to be kept in the form of FDRs in the multiples of **Rs. 25,000/-each** for one month, two months, three months and so on and so forth, having cumulative interest. The said FDRs be released to the said petitioner on the monthly basis as aforesaid.

41. In MACP No. 256/23, the entire respective share amounts of petitioner no. 2 to 4 alongwith proportionate interest is directed to be kept in FDRs for the period they attain the age of majority. **However, the said petitioners are at liberty to withdraw their monthly interest in order to meet their educational expenses through their mother/natural guardian.**

42. In MACP No. 256/23, considering the age of petitioner no. 5 & 6, it is hereby directed that their entire respective share amounts be released to them through their respective saving bank accounts, as per rules.

43. In MACP No. 257/23, the entire award amount of **Rs. 40,000/- alongwith interest** shall be immediately released to petitioner through his saving bank account, as per rules.

44. Petitioner(s) in both the cases are directed to provide details of their respective saving bank accounts to the insurance company within 7 days from the date of award for transfer of aforesaid amounts in their respective bank accounts.

45. **Respondent no. 4/Reliance General Insurance Co. Ltd.**, being insurer of the offending vehicle, is directed to deposit the aforesaid award amount in the respective bank accounts of the claimants within 30 days from the date when details are provided by the claimants as aforesaid, failing which insurance company shall be liable to pay interest @ 12% p.a for the period of delay in terms of directions passed by Hon'ble Apex Court in its latest judgment titled ***"Parminder Singh Vs. Honey Goyal & Ors."***, ***S.L.P. (C) No. 4484 OF 2020, DOD:18.03.2025.***

46. Concerned Manager of petitioner's bank is directed to release the amount to the petitioners as aforesaid, on completing necessary formalities as per rules. He is further directed to keep the remaining amount in fixed deposit, if any, in terms of aforesaid directions and send compliance report to this Court. He is also directed to ensure that no loan, advance or pre-mature discharge be allowed on the fixed deposits without permission of the Court. **Copy of the award be given dasti to the petitioners and also to counsel for the insurance company for compliance. Petitioners are also**

directed to provide copy of this award to their bank Manager for compliance. Form XV & Form XVII in terms of MCTAP are annexed herewith as Annexure-A. Copy of order be also sent to concerned CJM/JMFC and DLSA as per clause 31 and 32 of MCTAP.

**Announced in the open
Court on 14.03.2026**

**(RICHA MANCHANDA)
Judge MACT-2 (North)
Rohini Courts, Delhi**