IN THE COURT OF SH. SUNIL KUMAR: PRESIDING OFFICER
MOTOR ACCIDENT CLAIMS TRIBUNAL - 01
NORTH DISTRICT, ROHINI COURTS, DELHI

MACT No. 01/20
FIR no. 0245/19
PS: IMT Rohtak (outstation)
CNR No. DLNT0101 2932 2019

1. **Chanda (Widow of deceased Arun Kumar)**
2. **Master Anriudh – son**
3. **Master Varun Chand – son**
4. **Smt. Babli – mother**
5. **Sachin – brother**
6. **Suchina – sister**
7. **Pushpa – sister**
8. **Parvesh – brother**
   All R/o H. No. 986, Sultan Pur,
   Harijan Mohalla, Pooth Khurd,
   Delhi-110039.

…...petitioners

VERSUS

1. **Sunil Kumar (Driver / Respondent no. 1)**
   S/o Sh. Jasmer
   R/o VPO – Titoli (88),
   District Rohtak, Haryana.

2. **Rajpal Singh (Owner / Respondent no. 2)**
   S/o Sh. Hari Chand
   R/o VPO Kailana,
   District Sonipat, Haryana.

3. **United India Ins. Co. Ltd. (Insurer / Respondent no. 3)**
   1st Fkiirm Okit BI, 78,
   Above Union Bank of India,
   Delhi Road, City Sonepat,
   District Sonipat, Haryana.

…...respondents

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Date of Institution	**:**	**06.01.2020**
Date of Judgment	**:**	**07.04.2026**

FORM – XVII
COMPLIANCE OF THE PROVISIONS OF THE SCHEME TO BE MENTIONED IN THE AWARD, AS PER JUDGMENT PASSED IN RAJESH TYAGI & ORS. VERSUS JAIBIR SINGH & ORS. FAO 842/2003

1.	Date of the accident	04.09.2019
2.	Date of filing of Form-I First Accident Report (FAR)	Accident occurred out of Delhi.
3.	Date of delivery of Form-II to 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 VI B from the victim(s)	N/A
8.	Date of filing of Form-VII Detailed Accident Report(DAR)	N/A
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.	No designated officer has been appointed
11.	Whether the designated Officer of the Insurance Company submitted his report within 30 days of the DAR?	No designated officer has been appointed
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?	No designated officer has been appointed
13.	Date of response of the claimant to the offer of the Insurance Company.	No offer filed.

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14.	Date of the Award	
15.	Whether the claimant(s) was/were directed to open saving bank account near his/her place of residence?	Yes
16.	Date of order by which claimant(s) was/were directed to open saving bank account near his/her place of residence and produce PAN Card and Aadhar Card and the direction to the bank not issue any cheque book/debit card to the claimant and make an endorsement to this effect on the passbook(s).	14.01.2025
17.	Date on which the claimant(s) produced the passbook of their saving bank account near the place of his/her residence along with the endorsement, PAN Card and Aadhar Card?	28.04.2025
18.	PAN Card Number of claimant	Details not furnished
19.	Permanent Residential Address of the Claimant(s)	As above.
20.	Whether the claimant(s) saving bank account(s) is near his/her place of residence?	Yes.
21.	Whether the claimant was examined at the time of passing of the award.	Yes.

AWARD

1. Vide this order I shall dispose off the present claim petition filed by the legal heirs of the deceased (in short 'petitioners') under Section 166 and 140 of The Motor Vehicle's Act, 1988 (in short 'M.V. Act') seeking compensation on account of fatal injuries suffered by victim namely Arun Kumar (in short 'deceased') in road traffic accident occurred on 04.09.2019.

2. In brief, the facts of the case, as per petitioners, are that on 04.09.2019, deceased Arun Kumar went to attend a marriage ceremony from Delhi to Rohtak and when he was going towards Rohtak for attending marriage ceremony on his motorcycle bearing No. DL-8SA-6346 (Make Bajaj Discover), which was

driven by him at a normal speed, with proper look out and on correct side of the road and when he reached near the Village Bhalot, Rohtak, Haryana, in the meantime the offending vehicle i.e. truck bearing registration No. HR-69B-6515, driven by its driver Sunil Kumar (hereinafter referred to as 'respondent no. 1) at a very high speed, rashly, negligently and without taking care of the persons travelling on the road came from behind and hit the vehicle of the deceased from side with a great force and due to such impact, the deceased alongwith his motorcycle fell down on the road and after causing the accident the driver of the offending vehicle fled from the spot. The deceased Arun Kumar was immediately taken to nearby PGIMS Trauma Centre, Rohtak, Haryana by the police wherein MLR No. RS/310/DATC/2019 dated 04-09-2019 was prepared by the doctors but as the condition of the deceased did not improve, he was shifted to Sir Ganga Ram Hospital, Delhi on the same day for further treatment where the deceased remained admitted from 05.09.2019 to 28.09.2019, but he could not survive and succumbed to the injuries.

3. Contending that the deceased Arun Kumar died due to injuries sustained on account of accident caused by respondent no.1, while driving the vehicle i.e. truck bearing registration No. HR69B 6516 (in short 'vehicle in question'), which was owned by Rajpal Singh (hereinafter referred to as 'respondent no. 2') and insured with United India Insurance Company Limited (hereinafter referred to as 'respondent no. 3'), petitioners have claimed a compensation of Rs.95,00,000/- (Rupees Ninety Five Lakhs only) from the respondents. An interim compensation of Rs. 50,000/- has also been prayed for.

4. Notice of claim petition was issued to all the respondents and respondents have contested the claim of petitioners. Respondents no. 1 & 2 have filed their joint written statement / reply taking preliminary objection inter alia on the ground that accident was not caused because of rash and negligent driving by

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respondent no. 1 and the present claim petition has been filed by the petitioners in order to harass the respondents. On merit, all other averments of claim petition has been denied by the respondents no. 1 and 2.

5. Respondent no. 3 / Ins. Co. in its reply / written statement has not disputed that the vehicle in question was insured with it as on the date of accident. However, Ins. Co. denied it liability taking the plea that insured vehicle was being driven by a person without permission or authority of the insured and the said vehicle was used contrary to the terms of the insurance policy, permit and was being driven by its driver without holding a proper driving licence. It has further denied its liability on other technical grounds as well.

6. After completion of the pleadings, following issues were framed vide order dated 17.05.2022:-

1. **Whether Arun Kumar (victim) died due to vehicular accident occurred on 04.09.2019 at about 1:00 to 1:30 pm at Village Bhalot, Rohtak, Haryana due to rash or negligent driving of truck bearing registration no. HR69B 6516 by Sunil Kumar (respondent no.1) OPP.**
2. **Whether petitioners are LR's of said victim and entitled to compensation, if so, what amount and from whom of respondents? OPP.**
3. **Relief.**

7. In compliance of directions contained in the judgment titled as **Gohar Mohammad vs Uttar Pradesh State Road Transport Corporation decided on 15 December, 2022 by the Hon'ble Supreme Court,** with regard to recording of evidence by the Local Commissioner, Mr. Japneet Bhardwaj, Advocate was appointed as Local Commissioner for recording evidence in the present matter. Accordingly, Ld. Local Commissioner filed his report along with evidence recorded by him. Though, the PE was not closed by the Ld. LC but he was

SUNIL KUMAR Digitally signed by SUNIL KUMAR Date: 2026.04.07 16:09:53 +0530 discharged, in view of the facts mentioned by the LC in his report vide order dated 09.10.2023. As per report of Ld. Local Commissioner, petitioners have examined, Ms. Chanda, widow of deceased as PW1. Thereafter, PW2 HC Harender and PW3 HC Jitender Kumar have been examined by the petitioners before the Tribunal. Petitioners have also examined Vikas Mudgal as PW3 (since PW3 is HC Jitender Kumar, accordingly, witness Vikas Mudgal be read as PW4) Respondents did not lead any evidence despite giving opportunities. RE was accordingly, closed vide order dated 28.04.2025.

8. I have heard Ld. counsel appearing on behalf of petitioners as well as of respondent no. 3 / Ins. Co. and gone through the file carefully. None has appeared on behalf of the respondents no. 1 and 2 either in person or video conferencing for advancing final arguments nor any written arguments has been filed on their behalf. Moreover, they failed to lead any evidence in support of their defence. Accordingly, the material available on record, on their behalf would be considered as their submissions.

9. My issue-wise findings are as under:-

<u>ISSUE No.1:</u>

Whether Arun Kumar (victim) died due to vehicular accident occurred on 04.09.2019 at about 1:00 to 1:30 pm at Village Bhalot, Rohtak, Haryana due to rash or negligent driving of truck bearing registration no. HR69B 6516 by Sunil Kumar (respondent no.1) OPP.

The onus to prove this issue was upon the petitioners and to prove that victim suffered fatal injuries in this accident on account of rashness and negligence on the part of respondent no. 1, petitioners examined PW1 Chanda, widow of deceased but admittedly, PW1 is not the eye-witness of accident. Petitioners have also examined HC Harender as PW2, who deposed that on 04.09.2019, he was posted in PS IMT Rohtak and received information

SUNIL KUMAR Digitally signed by SUNIL KUMAR Date: 2026.04.07 16:09:57 +0530 regarding the accident on 05.09.2019. A case FIR No. 245/19 dated 09.09.2019 was registered by him and also investigated by him. He relied upon the certified copy of exhibited as Ex.PW2/1 (colly). He further deposed that he went to the spot of accident and prepared the Tehrir Ex. PW2/2, site plan of the accident / spot, Ex.PW2/3 he impounded motorcycle bearing no. DL8SAB6346, which was standing at the spot vide Fard Mukubaji Ex.PW2/4. He further deposed that the mechanical inspection report of the motorcycle DL8SAB6346 has been inspected by HC Ashwani Kumar in his presence vide Ex. PW2/5. The PMR report and sample of blood of deceased was prepared by the IO Jitender and he was present as witness at the time of preparation of the report Ex. PW2/6. In his cross examination by Ld. Counsel for the respondent no. 3/ Ins. Co. he stated that no DD entry of dated 05.09.2019 is placed in the criminal file. Mr. Dayanand, father of the deceased, first time, gave the information of the accident in writing in the police station vide Ex.PW2/R3/X. He admitted it correct that the reference dated 05.09.2019, 07.09.2019, 08.09.2019 on the said application is recorded by him on the said application on 09.09.2019 and he visited the place of accident on 09.09.2019 and there he did not find any truck, only the deceased's vehicle was there at the spot and after receiving the application of Mr. Dayanand, he did not record the statement nor he arrested the driver of the alleged offending vehicle nor recorded his statement. Charge sheet against the alleged offending driver is not filed by him in the Court. He did not obtain the mobile number of the alleged offending driver. He contacted the person on mobile number 9813624341 mentioned in the application Ex. PW2/R3/X but he did not record any statement of the said person. PW2 further stated that thereafter, the investigation was transferred to HC Jitender. PW2 also admitted it correct that during his investigation, the truck no. HR69B6516 was not found involved in the accident. Accordingly, the petitioners have examined HC

Jitender Kumar as PW3, who deposed that he was the IO of the case FIR no. 0245/19 registered under Section 279/304A IPC PS IMT Rohtak. In the present case he arrested the accused Sunil vide arrest memo Ex. PW3/1 and also seized the vehicle involved in the accident as well as its documents like, RC, DL and Insurance Policy, collectively Ex. PW3/2. PW3 further deposed that after collecting postmortem report Ex. PW3/3, he has filed the challan in the concerned court. In his cross examined by respondents no. 1 and 2 he clarified that he had arrested the accused/respondent no. 1 in the police station on 14.10.2019. PW3 denied the suggestion that the vehicle in question has been involved in the present case in connivance and collusion with the respondents no. 1 and 2/ driver and owner of the vehicle as well as petitioners. Admittedly, none of the PWs is eye-witness of the accident. I have perused the FIR. The present FIR has been lodged on the written complaint of Mr. Dayachand, father of deceased, translated version of his complaint is as under:

"I request that I am Dayachand S/o Shri Chhotu Ram R/o H. no. 1088, resident of village Pooth Khurd Mohalla, Delhi-110039. On 4/9/2019, I received information that my son Arun had met with an accident in village Bhalaut, District Rohtak. On receiving this information, I came to PGIMS ROHTAK Trauma Center where my son Arun Kumar told me that he had left from Delhi to Rohtak on motorcycle no. DL85A 6346 DISCOVER for Durga Bhawan Rohtak for the marriage of poor girls. When I reached village Bhaalod, a truck driver, driving his truck at high speed and carelessly, hit my motorcycle. I kept pushing my motorcycle into my midsection, but he crushed the entire side of my motorcycle, injuring me badly. At the trauma center, I met a man named Raju, who told me that if I get my son treated at PGIMS, we'll cover the full cost of his treatment and if I get him treated outside or take police action, the vehicle that caused the accident has all the documents and tou can't harm us. If you agree, my mobile number is 9813624341, inform me. Raju came on vehicle no. HR-426-6414. He was accompanied by two other people whose names and addresses I don't know. Legal action should be taken against the truck driver"

10. Though, respondents no. 1 and 2 have denied the accident and even filed their written statement but respondent no. 1, being driver of offending vehicle was himself material witness to throw light by testifying as to how and under what circumstances and manner, the accident has taken place or that he has not caused any accident or that there is negligence on the part of deceased or that he has been falsely implicated in the present case but he opted not to enter into the witness box and did not lead any evidence Further, there is nothing on record to show that the petitioners had any enmity with the driver of the offending vehicle so as to falsely implicate him in this case, meaning thereby that respondent no. 1 has nothing to say about the rash and negligence on his part and the manner in which the accident had occurred. The criminal case record filed on record shows that respondent no.1 was chargesheeted by the police for offences punishable under Section 279/304A IPC. Apart from deposition of PWs, the fact that deceased suffered fatal injuries in the accident is also supported by his postmortem report filed along with criminal case record. Further, respondents have not placed on record any document to disprove the factum of rash and negligent driving by the respondent no. 1. Although, Ins. Co. contended that it is not clear from where the vehicle in question come into picture, which shows that the vehicle in question has been planted in the present case just to claim compensation but this plea remains a bare assertion, as the Ins. Co. has failed to lead any rebuttal evidence or place on record any investigative findings to displace the presumption of the FIR's validity. Therefore, merely taking the plea that too without leading any evidence, the contention of Ins. Co. cannot be proved on record. Further, there is nothing on record which shows that respondent no. 1 has ever approached to any higher authority against his false implication in the present case. Relying upon judgment in **Pushpabai Purshottam**

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Udeshi & Ors vs Ranjit Ginning & Pressing Co. (P) Ltd. & Anr. 1977 (2) SCC 745 Civil Appeal No. 2071 of 1968, decided on March 25, 1977 by the Hon'ble Supreme Court of India wherein it was held as under: -

"The general purport of the words res ipsa loquitur is that the accident "speaks for itself" or tell's its own story. There are cases in which the accident speaks for itself so that it is sufficient for the plaintiff to prove the accident and nothing more. It will then be for the defendant to establish that the accident happened due to some other cause than his own negligence. Salmond on the Law of Torts (15th Ed.) at p. 306 states: "The maxim res ipsa loquitur applies whenever it is so improbable that such an accident would have happened without the negligence of the defendant that a reasonable jury could find without further evidence that it was so caused." In Halsbury's Laws of England, 3rd Ed., Vol. 28, at p. 77, the position is stated thus: "An exception to the general rule that the burden of proof of the alleged negligence is in the first instance on the plaintiff occurs wherever the facts already established are such that .the proper and natural inference arising from them is ,that the injury complained of was caused by the defendant's negligence, or where the event charged as negligence "tells its own story' of negligence on the part of the defendant, the story so told being clear and unambiguous."

Further, relying upon the judgment of **Mahila Dhanvanti and Ors Vs. Phulwant Mahendra Singh, Miscellaneous Appeal no.239/1992 decided by Hon'ble Madhya Pradesh High Court on 29.07.1993** in which it is held as under:-

"The plaintiff can prove the accident but cannot prove how it happened to establish negligence. This hardship is to be avoided by applying the principle of res ipsa loquitur. The general purport of the words res ipsa loquitur is that the accident speaks for itself or tells its own story".

Thus, Claims Tribunal while dealing with the law of torts in motor accident cases applies the principle of "res ipsa loquitur". Considering all this, it stands proved that accident in question occurred due to rash and negligent driving of offending vehicle by the respondent no. 1 and victim suffered fatal injuries in the said accident.

Accordingly, issue no. 1 is decided in favour of petitioners / legal heirs of the deceased and against the respondents holding that **Arun Kumar (victim) died due to vehicular accident occurred on 04.09.2019 at about 1:00 to 1:30 pm at Village Bhalot, Rohtak, Haryana due to rash or negligent driving of truck bearing registration no. HR69B 6516 by Sunil Kumar / respondent no.1.**

<u>ISSUE No. 2</u>

Whether petitioners are LR's of said victim and entitled to compensation, if so, what amount and from whom of respondents? OPP.

11. As far as the issue with respect to right to claim compensation is concerned, it is not in dispute that petitioners are the legal heirs of the deceased. However, as far as dependency is concerned as per judgment in the case of **Smt. Sarla Verma and Ors. Vs. Delhi Transport Corporation and Anr. Civil Appeal No. 3483 of 2008 (Arising out of SLP (C) No. 8648 of 2007) decided On: 15.04.2009 by the Hon'ble Supreme Court of Delhi,** petitioners i.e. widow, minor children and mother of deceased are to be considered as dependent upon the deceased. The question of entitlement of the petitioners for claiming of compensation is decided accordingly.

<u>Now, the second part of the issue in hand with respect to the quantum of compensation is to be adjudicated and below are the finding: -</u>

12. Section 168 of the Motor Vehicles Act, 1988, mandate the Tribunal to hold an inquiry into claims under section 166 and to determine the amount of compensation which appears to be just and reasonable. The **Hon'ble Supreme Court in "Sarla Verma v. Delhi Transport Corporation" (2009),** held as under: -

"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".

13. It is deposed by PW1 / widow of deceased that the deceased at the time of accident was about 31 years of age (date of birth as per Ex. PW1/11 is 05.05.1988), possessing good health and sound mind and robust physique and working as bus conductor with DTC Cluster Bus Services at Kanjhawala Bus Depot and getting salary approx. sum of Rs. 17,000/- per month and also imparting tuition and further earing Rs. 10,000/- per month. Though, petitioners have examined Vikas Mudgal, General Manager (Legal), Tenon, and AR of Peregrine Guarding Pvt. Ltd. 2nd Floor, House no. 859, Khasra no. 220, Opposite Pillar No. 5, Near Bijwasan, Delhi as PW4 to prove the income of deceased, who brought the summoned record pertaining to the service of Arun Kumar collectively Ex. PW3/2. PW4 denied the suggestion that deceased was not working in their company or that he was not getting any pay as mentioned in Ex. PW3/2. Admittedly, deceased was working with private limited company that too he was not permanent employee and except deposition of PW1 there is no evidence that deceased was imparting tuition and earning said amount of Rs.10,000/- but even otherwise, deceased was matriculate as per documents Ex.PW1/11 (colly) and therefore, petitioners are entitled to claim compensation on the basis of minimum wages as per educational qualification of deceased, which was Rs. 17,508/- prevalent at the time of accident. Accordingly, this amount of Rs. 17,508/- is thus taken for calculating the loss of dependency. Further, as per the judgment in the case of **National Insurance Company Limited Vs. Pranay Sethi and others of Hon'ble Supreme Court** the net income of the deceased is to be counted after deduction of tax and future benefits have to be given @ 40% in case the deceased was self employed and below the age of 40 years, at the time of accident. Similarly, the deceased was self employed below

40 years, hence being self employed and aged 31 years in age at the time of accident, 40% of enhancement of salary is also given to the petitioners. **Accordingly, the monthly income for the purpose of loss of dependency has to be taken as Rs. 24,511.2 (17,508+ 40% = 24,511.2).**

14. To calculate future loss of dependency, the multiplier has to be taken on the basis of age of deceased, as per the judgment passed by the Hon'ble Supreme Court of India in the case of **Sarla Verma vs Delhi Transport Corporation, 2009 ACJ 1298** and multiplier of 16 is applicable for the victims aged between 31-35 years. Accordingly**,** a multiplier of 16 is thus taken for calculating loss of dependency. As stated above, having 4 dependents, victim is presumed to be spending 1/4th of his income towards his personal expenses. Counting in this way, loss of dependency comes to Rs. 35,29,612.8 (**17,508+ 40% = 24,511.2 – 1/4th = 18,383.4 x 12 x 16 = 35,29,612.8).** This amount of **Rs. 35,29,612.8** is awarded to the petitioners as loss of dependency, details of which are well mentioned in the attached proforma.

15. In the recent judgment in the case of **National Insurance Company Limited Vs. Pooja & Ors. MAC.APP. 261/2022, CM APPL. 38235/2022, pronounced by the Hon'ble High Court of Delhi on 21st February, 2025**, it was held as under: -

"The Claimants shall be entitled to the compensation under Non-Pecuniary Heads in terms of National Insurance Company Limited vs. Pranay Sethi And Others, (2017) 16 SCC 680. In the case of Pranay Sethi (supra), it was held that in the case of death, Rs.15,000/- is liable to be paid towards the loss of estate and funeral each, while Rs.40,000/- was payable towards the loss of consortium to each legal heir and the same may be enhanced by 10% every three years.

In the present case, the accident is of 2015 while the Award was passed in 2022. Thus, an amount of Rs. 18,000/- is granted towards the Loss of Estate, Rs.18,000/- towards funeral charges. The father of the child, Sh. Madan, had

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expired much before the passing of the award. Thus, Rs. 48,000/- each is granted to his mother and the three sisters i.e. total of Rs. 48,000 x 4 = Rs. 1,92,000/- towards Loss of Consortium"

Accordingly, in view of above judgment, apart from amount mentioned above, claimants are awarded a sum of **Rs.18,000/-**for **funeral expenses, Rs.18,000/-** for **loss of estate** and **Rs.48,000/- each to the claimants i.e. Rs.3,84,000/- (48,000x8)** for **loss of consortium**, making a total sum of **Rs.39,49,612.8p,** details of which is well mentioned in the attached proforma.

In the light of the above discussion, the aspect of liability of the respondents is to be adjudicated and findings are mentioned below: -

16. As stated above, it stand proved that the deceased succumbed to injuries resulting from the rash and negligent driving of respondent no. 1 and it is not in dispute that the offending vehicle was covered by a valid insurance policy issued by the resondent no. 3 / Ins. Co. Although, respondent No. 3 raised several technical pleas in its written statement but it has failed to lead any evidence to substantiate its contentions. No evidence has been placed on record to indicate a violation of the policy's terms and conditions or the existence of a valid statutory defense under the Motor Vehicles Act. It is a settled position of law that mere pleadings do not constitute proof. Having failed to discharge the burden of proving a breach of policy, the Ins. Co. cannot evade its contractual obligations. Accordingly, respondent no. 3 / Ins. Co. is held liable to indemnify the insured and shall satisfy the award by paying the award amount as compensation to the petitioners.

Accordingly, issue no. 2 is decided in favour of petitioners and against the respondents holding that petitioners are entitled for compensation from respondent no.3 / Ins. Co.

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ISSUE NO. 3 (RELIEF)

17. Petition is allowed and **an award in the sum of Rs.** 61,72,500/- (39,49,612.8 + 22,22,644.60 = 61,72,257.40 rounded up to Rs. 61,72,500/-) which includes 75 months & 1 day interest @ 9% per annum from the date of filing the petition till the date of award **is passed in favour of petitioners and against the respondents.,** details of which are well mentioned in the attached proforma.

18. **DISBURSEMENT**

MACT SB account has been opened by the petitioners i.e. widow, minor children and mother of deceased with same bank and branch i.e. State Bank of India, Branch Pooth Khurd, Delhi having no. 43782141769 (Chanda), 43782478862 (Master Anirudh), 43782710668 (Master Varun Chand), 43795851231 (Babli) and their statement with regard to disbursement of the awarded amount has been recorded vide order dated 28.04.2026. I have also heard the Ld. Counsel for petitioners on the immediate financial needs of petitioners and considering their submission, the amount of Rs. 48,000/- each awarded in favour of brothers and sisters of deceased would be released to them through their saving bank account and out of remaining amount, 45% amount is awarded in favour of widow of deceased, 15% in favour of mother of deceased and 20% each in favour of minor children of deceased. The share of minor children would be kept in interest bearing FDRs in their name till they attain age of majority with liberty to their mother to withdraw the quarterly interest accrued on the said FDRs to meet out the day to day expenses of minor children of deceased. Out of the share of widow and mother of deceased, their 90% amount would be kept in MACAD Annuity to be released to them i.e. Rs.20,000/- to the widow of deceased and Rs. 10,000/- to the mother of deceased and their remaining 10% amount would be released to them through

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their MACT SB account.

19. Ms. Chanda, widow of deceased and Smt. Babli, mother of deceased would be allowed to withdraw the award amount only through withdrawal slip and by no other mode or digital mode i.e. Debit card / Credit card /ATM/NEFT/RTGS/letter etc.

20. The salient features as prescribed in the judgment in **Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors. FAO No. 842/2003 decided on 08.01.2021** are to be applied: -

(a) The Bank shall not permit any joint name(s) to be added in the savings bank account or fixed deposit accounts of the claimant(s) i.e. the savings bank account(s) of the claimant(s) shall be an individual savings bank account(s) and not a joint account(s).
(b) The original fixed deposit shall be retained by the bank in safe custody. However, the statement containing FDR number, FDR amount, date of maturity and maturity amount shall be furnished by bank to the claimant(s).
(c) The monthly interest be credited by Electronic Clearing System (ECS) in the savings bank account of the claimant(s) near the place of their residence.
(d) The maturity amounts of the FDR(s) be credited by Electronic Clearing System (ECS) in the savings bank account of the claimant(s) near the place of their residence.
(e) No loan, advance, withdrawal or pre-mature discharge be allowed on the fixed deposits without permission of the Court.
(f) The concerned bank shall not issue any cheque book and/or debit card to claimant(s). However, in case the debit card and/or cheque book have already been issued, bank shall cancel the same before the disbursement of the award amount. The bank shall debit card(s) freeze the account of the claimant(s) so that no debit card be issued in respect of the account of the claimant(s) from any other branch of the bank.
(g) The bank shall make an endorsement on the passbook of the claimant(s) to the effect that no cheque book and/or debit card have been issued and shall not be issued without the permission of the Court and claimant(s) shall produce the passbook with the necessary endorsement before the Court on the date fixed for compliance.
(h) It is clarified that the endorsement made by the bank along with the duly signed and stamped by the bank official on the passbook(s) of the claimant(s) is sufficient compliance of clause above.

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Respondent no. 3 / Ins. Co. is directed to deposit amount of compensation, as stated above, with this tribunal within 30 days, with advance notice to petitioner.

21. Accordingly, respondent no. 3 / Ins. Co. is directed to deposit the above said awarded amount as compensation in this case, within the jurisdiction of this Tribunal at SBI, Rohini Court Branch, Delhi within 30 days from today under intimation of deposition of the awarded amount to be given by Ins. Co. to the petitioners and their advocate as well as to this Tribunal failing which the award amount shall carry further interest @ 9% per annum from the date of award till its realization. Interim amount, if any paid to the petitioners be deducted from this amount.

File be consigned to record room.

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ANNOUNCED IN THE OPEN COURT ON 07.04.2026

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PO:MACT-01, NORTH, ROHINI, DELHI

FORM – XV A
SUMMARY OF COMPUTATION OF AWARD AMOUNT IN DEATH CASES TO BE INCORPORATED IN THE AWARD

1	Date of accident	: 04.09.2019
2	Name of deceased	: Arun Kumar
3	Age of the deceased	: 31 years
4	Occupation of the deceased	: Working as bus conductor
5	Income of the deceased	: 27000/- (not proved)

6 Name, age and relationship of legal representatives of deceased:-

Sr. No.	**Name**	**Age**	**Relation**
(i)	**Chanda**	29 years	**Widow**
(ii)	**Master Anriudh**	7 years	Son
(iii)	**Master Varun Chand**	5 years	Son
(iv)	**Smt. Babli**	51 years	Mother
(v)	**Sachin**	Major	Brother
(vi)	**Suchina**	Major	Sister
(vii)	**Pushpa**	Major	Sister
(vii)	**Parvesh**	Major	Brother

Computation of Compensation

Sr. No.	Heads	Awarded by the Claims Tribunal
7.	Income of the deceased (A)	17,508/-
8.	Add-Future Prospects (B)	40% (7003.2)
9.	Less-Personal expenses of the deceased (C)	1/4th
10.	Monthly loss of dependency { (A+B) – C =D}	18,383.4
11.	Annual loss of dependency (Dx12)	2,20,600.8

12.	Multiplier (E)	16
13.	Total loss of dependency (Dx12xE = F)	35,29,612.8
14.	Medical Expenses (G)	Nil.
15.	Compensation for loss of love and affection (H)	Nil.
16.	Compensation for loss of consortium (I)	3,84,000/- (48000x8)
17.	Compensation for loss of estate (J)	18,000/-
18.	Compensation towards funeral expenses (K)	18,000/-
18A	Compensation on account of composite non-pecuniary damages	Nil.
19.	TOTAL COMPENSATION (F+G+H+I+J+K =L)	**39,49,612.8**
20.	RATE OF INTEREST AWARDED	9% per annum
21	Interest amount up to the date of award (M)	22,22,644.60p (75 months & 1 day i.e. from filing of the DAR till passing the award)
22.	Total amount including interest (L+M)	61,72,257.40p rounded up to **Rs. 61,72,500/-**
23.	Award amount released	As per para 19 of the award.
24.	Award amount kept in FDRs	
25.	Mode of disbursement of the award amount to the claimant (s)	
26.	Next Date for compliance of the award.	07.05.2026

(SUNIL KUMAR)
PO, MACT-1 (North)
Rohini Courts, Delhi/07.04.2026

SUNIL KUMAR

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Date: 2026.04.07 16:10:55 +0530