IN THE COURT OF SH MANISH SHARMA LD PO MACT DISTRICT NORTH EAST KARKARDOOMA COURTS DELHI

MACT No.: 175/21
CNR No. DLNE01-002794-2021

IN THE MATTER OF:

1. Smt. Niketa Chaudhary (wife),
   W/o Late Manmohan

2. Smt. Rajesh (mother),
   W/o Late Brahmpal

   Both R/o H. No. D-20, Ground Floor,
   Khasra No. 410, Gali No. 1, Sanjay Mohalla,
   Bhajanpura, near Police Colony
   Delhi-110053. ...Petitioners

Versus

1. Jaswant s/o Sh. Mahendra Singh,
R/o VPO Jamalpur, Tehsil Bawani Khera
District, Bhiwani-127035, Haryana.
…Driver (Respondent no. 1)

2. Ganga Dhar s/o Sh. Lekh Raj,
R/o VPO- Jamalpur, Bawani Khera,
District Bhiwani-127021, Haryana … Owner (Respondent no. 2)

3. SBI General Insurance Co. Ltd.
DDA Building, 2nd floor,
Vardhman Trade Centre,
Nehru Place, Delhi-110019. ...Insurance Company (Respondent no. 3)
….Respondents

Date of Institution	:	13.08.2021
Date of Arguments	:	06.06.2026
Date of pronouncement	:	06.06.2026

A W A R D

Vide this award, This Tribunal shall decide claim petition bearing no. 175/2021 under section 166 & 140 of Motor Vehicles Act, 1988 filed by the petitioners against respondents as mentioned in the memo of parties.

FACTS OF THE CASE

1. Brief facts of this petition are that on 24.01.2021, at about 10:00 P.M, Manmohan (deceased) was coming to Delhi from his duty on his Alto Car bearing no. UP-15AH-1790. When he reached near Diwan Hotel, Delhi Road, a Tractor bearing registration no. HR-16R-4983 was parked on the wrong side without any precautions or any indication/demarcation, in violation of traffic rules. The car of Manmohan (deceased) forcefully rammed into the said Tractor. As a result, Manmohan (deceased) sustained grievous injuries. He was immediately rushed to General Hospital, Hansi, where his PMR No. M4060003221000010 was prepared and the doctor declared him as 'brought dead'. Postmortem of deceased was conducted at the mortuary, Civil Hospital, Hansi, Haryana. Thereafter, the present claim petition was filed by the petitioners.

WRITTEN STATEMENT

2. No WS has been filed on behalf of respondent no. 1 (Driver) despite opportunity being given in this regard. The right to file WS by respondent no. 1 (Driver) was closed and he was proceeded Ex-Parte vide order dt. 02.08.2022.

3. The respondent no. 2 (Owner) filed his written statement denying the averments made in the claim petition. It is stated that neither the tractor was involved in the accident nor any police report is filed. The accident happened due to the rash and negligent driving of the deceased. It is stated that one person namely Vicky made statement to police on 25.01.2021, that his brother-in-law who was posted as sepoy in BSF Camp, Hissar made a telephonic call to him on 24.01.2021, at about 10:00 PM while coming to Delhi. Thereafter, the said Vicky again got call after sometime from the phone of his brother-in-law regarding the accident and it was told to him that an alto car has met with an accident with a trolly attached to the tractor about 4 kilometer from Mundhal. It is further stated that it is not mentioned in the FIR that the car had collided with the tractor. While denying the rest of the claim of the petitioner, the Respondent No. 1 prayed for dismissal of the petition. However, the liability, if any is of the Insurance Company (Respondent No. 3).

4. The respondent no. 3/(Insurance Company) also filed its reply submitting that the offending vehicle bearing registration no. HR-16R-4983 was insured with Respondent no. 3/(Insurance Company) vide policy bearing no. P05211120186674, valid from 22.11.2020 to 21.11.2021issued in the name of Ganga Dhar.

ISSUES

5. From the pleadings of the parties, following issues were framed vide order dated 02.08.2022:

1. Whether deceased died on account of injuries sustained in accident having taken place on 24.01.2021 at abut 10:00 p.m. near Diwan Hotel, Delhi

Road, within the jurisdiction of PS Bass, District Hansi, Haryana due to rash and negligent driving of driver of vehicle no. HR-16R-4983 i.e. by Respondent No.1? OPP.

2. Whether petitioner is entitled to compensation? OPP.
3. Which of the respondents is liable for payment of compensation to petitioner ? OPP.
4. Relief.

PETITIONER'S EVIDENCE

6.(i) Petitioner no.1 Smt. Niketa Chaudhary (wife) examined herself as PW-1 and tendered her affidavit of evidence as Ex. PW-1/A, wherein she reiterated her pleadings of the claim and exhibited the following documents:

(i) Copy of PAN Card of deceased as Ex.PW1/1 (OSR),
(ii) Copy of DL of deceased as Ex PW1/2 (OSR),
(iii) Copy of PAN Card of deponent as Ex PW1/3 (OSR),
(iv) Copy of Aadhar Card of deponent as Ex PW1/4 (OSR),
(v) Copy of Aadhar Card of Smt Rajesh (petitioner no. 2) as Ex. PW1/5 (OSR),
(vi) Certified copy of criminal case record as Ex PW1/6 (colly).

In her cross-examination on behalf of Counsel for Respondent No. 3 (Insurance Company), PW-1 admitted that she has not seen the accident. She admitted that no documents in respect of education qualification of deceased have been placed on record. She admitted that she was getting the pension of deceased. She admitted that no salary slip of deceased was filed. She denied that she was getting other benefits other than pension from the department.

In her cross-examination on behalf of Counsel for Respondent No. 2 (Owner), PW-1 deposed that the police disclosed about the registration number of offending vehicle in question on the day of accident itself. She deposed that she had not lodged the FIR, therefore, she cannot say as to why the registration number of the alleged vehicle is not mentioned in the FIR. She denied that the accident did not take place by alleged offending vehicle in question, therefore, the registration number of the alleged vehicle is not mentioned in the FIR. She denied that the vehicle in question was falsely implicated in the present case as the accident was not caused by the alleged vehicle.

7.(ii) The petitioners examined eye witness, Sh. Sachin Chikara as (PW-2) and tendered his affidavit of evidence as Ex. PW-2/A, wherein he exhibited the following documents:

(i) Photographs of the spot of accident as Ex.PW2/1 (colly),
(ii) Copy of Aadhar Card as Ex PW2/2 (OSR).

The witness stated that the car rammed in the tractor from behind and he pointed the spot in the Photograph (Ex. in PW2/1) which was thereafter marked as Mark-A. Witness stated that it rammed at the hitch of the tractor.

In his cross-examination by Counsel for Respondent No. 2 (Owner), PW-2 stated that he had taken the photographs of the accident site from his mobile number 7037470024. He deposed that the make of the said phone was Samsung, however, the said photographs were not saved in his mobile. He deposed that the said photographs were taken on 24.01.2021 at about 10:30 PM. He deposed that at the time when he had taken the said photographs there was no light. He deposed that he went to Hisar to meet his relative Jitender Chaudhary and he left Hisar for Delhi at about 07:30 PM. He deposed that he was coming Delhi by his own car and he was about 40-50 meters behind the deceased's car. He deposed that the police reached there within 30 minutes of the accident. He deposed that he did not know who called the police. He deposed that the police did not record his statement, however, police inquired the facts from him. He deposed that he did not assist the police in any manner, and he did not take the photographs of the car involved in accident. He deposed that he remained at the accident spot for about 45 minutes. Within 15 minutes after arrival of the police, the injured was taken to hospital in an ambulance. He deposed that he did not know in which hospital the injured was admitted. He deposed that he did not take the photographs of the ambulance. He deposed that the said tractor was stagnant and was not in a running condition and there was no person sitting in the tractor. He deposed that the trolley was full of sugarcane and it over turned on the road.

He deposed that there were 12-13 persons present at the site of accident apart from him. He deposed that he did not take any photographs of the persons gathered at the site of accident

He denied that on 24.01.2021 from 10 PM to next day i.e. 25.01.2021 there was no tractor on the accident site. He deposed that he did not remember what was painted on the back of the trolley, but something was painted on the back of the trolley. He deposed that he had told the registration number of the tractor to the police. He denied that the police did not reach the accident site in his presence. He denied that the police reached the accident site on 25.01.2021 and not on 24.01.2021. He deposed that he parked his vehicle a few yards ahead from the accident site. He deposed that he did not take the photographs of his car parked near the accident site and that he also did not take the photographs of the injured or the car involved in the accident.

PW-2 was confronted with the photographs marked as Ex PW2/1 (colly) and after seeing the same, he stated that the said photographs were taken during the night hours.

8.(iii) The petitioners also examined summoned witness, HC/SM Manazir Hussain, BSF 177 Battalion, Coimbatore, Tamil Nadu as (PW-3). He deposed that he was authorized by Commanding 177 BSF to depose before the Court and proved his authority letter on record as Ex PW3/A. He brought with him service record of Shri Manmohan who was posted as Constable in their department and proved on record the following documents:

(i) Appointment letter vide dated 23.03.2012 of deceased Shri Manmohan which is Ex PW3/1.
(ii) Appointment order of deceased Shri Manmohan is Ex PW3/2.
(iii) Salary slip for the month of November 2020, December 2020 and January 2021 of deceased Shri Manmohan is Ex PW3/3 (colly) (03 pages).
(iv) Form-16 of deceased Shri Manmohan for the period of April 2019 to March 2020 and April 2020 to March 2021 is Ex PW3/4 (colly) (02 pages).

He deposed that Shri Manmohan was appointed as Constable (GD) on 05.04.2012 after having being found medically and physically fit by their Recruitment Board and he was drawing salary of Rs. 51,212/- per month. The basic pay of deceased Shri Manmohan was liable for increment of 3% in July every year. He deposed that the DA of deceased Shri Manmohan was also liable for increment as per Govt. norms and rules twice every year in January and July respectively. He deposed that deceased's last drawn salary was Rs. 51,212/-. He deposed that Shri Manmohan was a permanent employee and he was eligible for promotion and MACP after every 10 years as per Rules.

In his cross-examination on behalf of Counsel for Respondent No. 2 (Owner), PW-3 has admitted that letter Ex PW3/1 is not an appointment letter but it is an offer to join. He deposed that only offer to join is given, and after compliance of the necessary conditions, the person joins service. He deposed that the date of joining of service of Manmohan was 05.04.2012.

Petitioner evidence was thereafter closed by the Tribunal vide order dt. 28.07.2023.

RESPONDENTS' EVIDENCE

9. Respondent no. 2/(Driver) has examined himself as R2W1, who tendered his evidence by way of affidavit Ex. R2W1/A.

In his cross-examination on behalf of petitioner, R2W1 admitted that he was the owner of the vehicle bearing no. HR16R 4983 and 'Jaswant' was the driver. He deposed that he was not present at the time of the accident. He deposed that the accident happened at about 10:00 PM on 24.01.2021 and he reached at the accident spot at about 07:00 AM on 25.01.2021. He deposed that when he reached the accident spot, his driver (Jaswant) was already present at there. He deposed that police also arrived along with the relative of the deceased Manmohan and there were 07 to 08 persons were present there. He deposed that the police did not seize the tractor at the time of accident, however, it was seized by the police 2 months after the accident. He deposed that the driver (Jaswant) was released on bail from the Court of Ld. MM Hansi. He got the tractor released on *superdari* from the same Court. He deposed that the distance from his house to the accident spot is about 45 Kilometers, and his driver (Jaswant) was driving the tractor trolley to Meham from his village Jamalpur. He deposed that the weight of the sugarcane which was loaded on the trolley was around 30-35 quintal and he was taking sugarcane to sell at Meham. He admitted that as per the photographs (Ex PW2/1), the tractor was parked and the sugarcane was spilled on the road. He deposed that he did not remember whether Jaswant was carrying mobile phone or not. He deposed that Jaswant left the field at about 07:45 PM and he had not received any phone call from Jaswant. He deposed that he came to know about the alleged incident at about 01:00 AM on 25.01.2021 from his employee namely 'Shree'. He deposed that police inquired him at the accident spot. He denied that this accident occurred due to negligent act of his driver namely Jaswant.

In his cross-examination on behalf of R3 (Insurance Company), R2W1 has stated that on 25.01.2021, when he reached the spot of accident, the driver was present there and was not arrested by the police on the same day. He deposed that as per photographs shown to him there was a heap of sugarcane behind the trolley. He deposed that he had not seen any broken glass panes, plastic parts or any other scattered parts of the car. He deposed that after the accident, driver remained in service for next 15-20 days, thereafter, he left the job.

Respondents' evidence was thereafter closed by the Tribunal vide order dt. 24.09.2024.

10. Ld. Counsel for Respondent no. 3 (Insurance Company) submitted that he did not want to lead any evidence. Therefore, evidence on behalf of Respondent no. 3 (Insurance Company) was closed vide his separate statement dt. 05.11.2024.

11. Separate statement of the petitioners/claimants was also recorded as per Clause 29 of MCTAP on 05.06.2025, wherein they stated that they were dependent upon the deceased and the deceased was about 28 years old at the time of death. He was working as Constable at BSF Camp, Hisar and used to earn Rs. 51,212/- per month.

12. Arguments heard. File perused.

<u>Issue wise findings are as under:</u>

<u>Issue no.1</u>

13. In the present case, PW-2, Sh. Sachin Chikara deposed the he was the eyewitness, and the accident happened due to negligent act of Respondent no. 1 (Driver). The said witness has specifically deposed that he had taken the photographs of the accident site from his mobile phone on 24.01.2021 at 10:30 PM, and that he was behind the scene of accident (about 40-50 meters). He stated that he remained at the spot of accident for about 45 minutes. He further deposed that accident had taken place with the trolley and the tractor was lying stagnant at the time of the accident. He deposed that the trolley was full of sugarcane and it got over turned. He further deposed that no person was sitting with the tractor. Further, neither any indication/demarcation nor any precautions were taken to avoid the accident. Due to this the vehicle of the deceased rammed in the tractor from behind causing fatal injuries to the deceased.

14. The Respondent no. 2 (Owner) led his evidence in the present case. He could not prove that Respondent no. 1 (driver) was not negligent or he took sufficient cautions to avert any accident. There is sufficient evidence on record to show that the driver was negligent due to which the accident had occurred which culminated into death of the deceased. The evidence led by the respondent no. 2 (Owner) is not sufficient to prove that the driver had taken enough cautions to avert the accident. Even it is not stated anywhere what all cautions and measures were taken by the driver to avoid the accident when he knew that on a highway any mishappening could happen due to a stationed vehicle. Moreover, respondent

No.1 (Driver) and respondent no. 3 (Insurance Company), could not impeach the testimony of PW-2. They chose not to examine any witness to prove their version. The testimony of the eyewitness (PW-2) on the aspect of rash negligent act of Respondent No.1 is found to be reliable.

15. The fact that Respondent No.1 has already been arrayed as an accused in case FIR No. 0014/2021 PS Bass, District Hansi, Haryana for the offences U/s 283/304-A/427 IPC which itself is sufficient to support the above oral testimony and the case of petitioners on this issue. The copies of FIR, Site plan, Mechanical inspection reports of offending vehicle as well as vehicle of deceased, MLC, Seizure Memos and Arrest Memo of Respondent No.1, notice U/s 133 M.V Act along with its reply by R-2 and the postmortem report of the deceased also corroborate with the testimony of the eye-witness (PW-2).

16. Aside this, Respondent No.1 himself could have been the best witness to stepped into the witness box to challenge the depositions being made by the petitioners' witnesses regarding the above accident and its manner, but he has chosen not to do so. Therefore, an adverse inference on this aspect is liable to be drawn against the respondents in view of the law laid down in case of ***Cholamandalam M.S. General Insurance Company Ltd. Vs. Kamlesh, reported in 2009 (3) AD (Delhi) 310.***

17. In view of the above, it could be safely concluded that the accident happened due to the negligence of respondent no. 1.

18. In view of the above discussion, this tribunal is constrained to hold Respondent No.1 guilty of gross neglect act and default which caused the accident leading to the death of deceased.

19. As per the medical records placed on record by the petitioners, no dispute is left regarding the death of the deceased Manmohan in the above accident.

20. In view of the above discussion, this Tribunal holds that the deceased died on account of neglect act and default of Respondent No. 1 of the offending vehicle at the relevant time. The issue no. 1 is thus decided in favour of the petitioners and against the respondents.

ISSUE NO.2

Whether petitioner is entitled to compensation? OPP.

21. On the basis of findings upon issue no. (i), it is clear that the incident in question had occurred due to rash and negligent driving of offending vehicle by Respondent No.1 and fatal injuries had been caused to the deceased in the accident. Hence, petitioners are entitled to compensation in this case.

COMPUTATION OF COMPENSATION

22. Section 168 of Motor Vehicles Act, 1988 enjoins upon the claim Tribunal to hold an inquiry into the claim to make an award determining the amount of compensation, which appears to be just and reasonable. As per settled law, compensation is not expected to be a windfall or a bonanza nor it should be a pittance.

EXPENSES INCURRED DURING TREATMENT PRIOR TO DEATH

Medical Expenses:

23. It is clear from the facts and circumstances on record that the deceased had died soon after the accident and no medical expenditure was undertaken by the petitioners in the treatment of the deceased before his death, hence, petitioners are not entitled to any compensation under this head on account of absence of any evidence brought on record in this regard.

COMPENSATION ON ACCOUNT OF DEATH:

24. In **Sarla Verma and Others v. Delhi Transport Corporation & Anr. (2009) 6 Supreme Court Cases 121,** the relevant guidelines were laid down for death cases, which have been reiterated by the Constitution Bench of Hon'ble Supreme Court in a case titled as **National Insurance Company vs. Pranay Sethi & Ors. Decided on 31.10.2017**, laying down the general principles for computation of compensation in death cases. The relevant paras of the judgment are reproduced here as under:

> "18. Basically only three facts need to be established by the claimants for assessing compensation in the case of death:
>
> (a) age of the deceased;
> (b) income of the deceased; and
> (c) the number of dependents.
>
> These issues to be determined by the Tribunal to arrive at the loss of dependency are:
>
> (i) additions/deductions to be made for arriving at the income;
> (ii) the deduction to be made towards the personal living expenses of the deceased; and
> iii) the multiplier to be applied with reference to the age of the deceased.

If these determinations are standardized, there will be uniformity and consistency in the decisions. There will be lesser need for detailed evidence. It will also be easier for the insurance companies to settle accident claims without delay.

19. To have uniformity and consistency, the Tribunals should determine compensation in cases of death, by the following well-settled steps:

Step-1 (Ascertaining the multiplicand)

The income of the deceased per annum should be determined. Out of the said income a deduction should be made in regard to the amount which the deceased would have spent on himself by way of personal and living expenses. The balance which is considered to be the contribution to the dependent family, constitutes the multiplicand.

Step-2 (Ascertaining the multiplier)
Having regard to the age of the deceased and period of active career, the appropriate multiplier should be selected. This does not mean ascertaining the number of years he would have lived or worked but for the accident. Having regard to several imponderables in life and economic factors, a table of multipliers with reference to the age has been identified by this Court. The multiplier should be chosen from the said table with reference to the age of the deceased.

Step-3 (Actual Calculation)
The annual contribution to the family(multiplicand) when multiplied by such multiplier gives the 'loss of dependency' to the family.

Thereafter, a conventional amount in the range of Rs.5,000/- to Rs.10,000/- may be added as loss of estates. Where the deceased is survived by his widow, another conventional amount in the range of Rs.5,000 to Rs.10,000 should be added under the head of loss of consortium. But no amount is to be awarded under the head of pain, suffering or hardship caused to the legal heirs of the deceased.

> The funeral expenses, cost of transportation of the body (if incurred) and the cost of any medical treatment of the deceased before death (if incurred) should also be added."

Therefore, in view of the aforesaid judgment, it is essential to take into consideration the following parameters:

PECUNIARY DAMAGES:

Age of deceased :

25. As per the driving license Ex PW1/2 (OSR), date of birth of the deceased Manmohan is mentioned as 01.07.1992. The date of accident in this case is 24.01.2021. Therefore, on the date of the incident resulting into the death of the deceased, the latter was aged about 29 years.

Assessment of Income of deceased :

26. At the same time, the petitioners have filed documents pertaining to the employment of deceased Sh. Manmohan to show that he was constable in BSF Camp, Hissar. Petitioner and has also proved his salary slips on record as Ex. PW3/3 (colly). As per the salary slips of the deceased for the month of January 2021 i.e. the month in which deceased has expired, his net income after deductions was Rs. 47,219/-. Therefore, the income of deceased is assessed at Rs. 47,219/- per month on the date of incident.

Application of Multiplier:

27. The age of deceased was 29 years at the time of accident. An appropriate multiplier shall be determined for computation of compensation. The judgment titled as **Sarla Verma v. DTC (2009) 6 SCC 121** is relevant to consider the multiplier. In Para 21 of the judgment, the guidelines for the multiplier were laid down in accordance with age are as under:

MULTIPLIER	AGE GROUP OF DECEASED
M-18	Age groups between 15 to 20 & 21 to 25 years)
M-17	Age groups between 26 to 30 yrs
M-16	Age groups between 31 to 35 yrs
M-15	Age groups between 36 to 40 yrs
M-14	Age groups between 41 to 45 yrs
M-13	Age groups between 46 to 50 yrs
M-11	Age groups between 51 to 55 yrs
M-9	Age groups between 56 to 60 yrs
M-7	Age groups between 61 to 65 yrs
M-5	Age groups between 66 to 70 yrs

In view of the above said judgment, a multiplier of 17 shall be applied against 29 years of age of the deceased to determine the compensation.

<u>Future Prospects:</u>

28. This issue was considered by the Hon'ble Supreme Court in the case of **Pranay Sethi & Others (Supra)**. Relevant parts of the judgment are reproduced here as under:

> "(iii) While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary

> should be read as actual salary less tax.
>
> (iv) In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.
>
> (viii) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs.15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years."

In view of the above said judgment, an addition of 50% of the income of deceased (aged 29 years) shall be considered towards future prospects.

Deduction towards Personal Living Expenses:

29. After choosing the age, multiplier and income of the deceased, necessary deductions have to be made out of the income of the deceased towards his personal expenses. The deceased was 29 years of age at the time of accident and was married and there were 2 dependents.

Therefore, in this case, 1/3rd of the income of the deceased shall be deducted towards his personal living expenses.

NON-PECUNIARY DAMAGES:

30. In case of **Pranay Sethi (supra)**, a compensation of Rs. 40,000/-, 15,000/- and Rs.15,000/- respectively has been fixed on account of loss of consortium, loss of estate and funeral expenses and further, it is required to be enhanced @ 10% in every three years. Therefore, a compensation of Rs. 44,000/-, 16,500/- and Rs.16,500/- respectively on account of loss of consortium, loss of estate and funeral expenses is required to be granted. Further, in view of recent decisions in case of **United India Insurance Co. Ltd. Vs. Satinder Kaur @ Satwinder Kaur & Ors.**, Civil Appeal no. 2705 of 2020, decided on 30.06.2020 and in case of **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhur Ram & Ors.**, Civil Apeal no. 9581/2018, decided on 18.09.2018, the Hon'ble Supreme Court gave a comprehensive interpretation to consortium to include spousal consortium, parental consortium and filial consortium. Therefore, petitioner no. 1 shall be entitled to spousal consortium and petitioner no. 2 shall be entitled to parental consortium in this case. Thus, claimants are entitled to a sum of 44,000x2 for loss of consortium. They are also entitled to Rs. 16,500/- each on account of loss of estate and funeral expenses respectively.

31. In view of the settled guidelines as laid down in the various judgments herein above by applying the multiplier of 17, after making deduction of 1/3rd of the income of the deceased with an addition of 50% future prospects, the loss of dependency is calculated as under:

S. No.	Head	Amount Awarded
1.	Monthly income of deceased (A)	Rs.47,219/-
2.	Add future prospect (B) @ 50%	Rs.23,609/-
3.	Less 1/3rd towards personal and living expenses of the deceased (C)	(A+B)/3 70,828/3= Rs. 23,609/-
4.	Monthly loss of dependency (A+B)-C=D	Rs.70,828-23,609= 47,219/-

5.	Annual loss of dependency (Dx12)	Rs. 47,219 X 12= 5,66,628/-
6.	Multiplier (E)	17
7.	Total loss of dependency (Dx12xE=F)	Rs. 47,219 X 12 X 17= Rs.96,32,676/-
8.	Medical expenses (G)	NIL
9.	Compensation for loss of consortium (I) (44,000x2)	Rs. 88,000/-
10.	Compensation for loss of estate (J)	Rs.16,500/-
11.	Compensation for funeral expenses (K)	Rs.16,500 /-
12.	Total compensation	Rs.97,53,676/-

Thus, the total compensation payable to the petitioners comes to **Rs. 97,53,676/-.**

INTEREST ON AWARD :

32. Having regard to the prevailing rate of interest and the judgments of Hon'ble Supreme Court of India, including in the case of **Erudhaya Priya vs State Express Transport** decided on 27 July, 2020, Civil Appeal Nos. 2811-2812 OF 2020 [Arising out of SLP (C) Nos.8495-8496 of 2018], which is three Judges Bench judgment of Hon’ble Supreme Court, such interest @ 9% per annum is deemed fit and accordingly granted in the present case.

Issue no. 3 :-

Which of the respondents is liable for payment of compensation to petitioner ? OPP.

33. Ld. Counsel for R3/insurance company has argued that the trolley was not the part of tractor and hence, the company is not liable to pay any compensation to the petitioners/claimants, whereas it has been stated by PW-2 that the trolley was the part of the tractor and the said fact has also been proved by the petitioners in the photographs (Ex PW2/1) during his deposition. Further, in my opinion, the insurance is contemplated for a trolley which is attached to the insured tractor, it becomes part of the tractor. Therefore, R3/insurance company is liable to pay compensation to the petitioners/claimants.

34. Now, the question arises as to which of the respondents is liable to pay the compensation amount. Admittedly, the offending vehicle was insured at the time of accident and therefore, the respondent no. 3 being the insurer of the offending vehicle is the principal *tortfeasor* and would have the vicarious liability. Accordingly, the respondent no.3 (Insurance Company) shall be liable to pay the compensation amount to the petitioners.

Issue No. 4/RELIEF:

35. The petitioners are awarded a total compensation of **Rs. 97,53,676/-** along with interest @ 9% per annum from the date of filing of petition till realization in favour of petitioners and against the respondents. The respondent no. 3 shall deposit the aforesaid award amount in A/c no.20780110171929 (IFSC Code: UCBA0002078), UCO Bank, Karkardooma, Delhi, of PO MACT, North East, through RTGS/ NEFT, within 30 days from today. The interim compensation, if any, shall be adjusted against this award amount along with the waiver of interest, if any, as directed by the Tribunal during the pendency of this case. Respondent is directed to give notice regarding deposit of the said amount to the petitioners and their counsel.

RELEASE/APPORTIONMENT OF COMPENSATION TO THE PETITIONERS

36. Ld. Counsel for petitioner has submitted that petitioner no. 2 namely Rajesh i.e. (mother) of deceased is a widow lady and have no source of income from anywhere and she is unable to earn her livelihood at this fag age due to her ill health. Ld. Counsel for petitioners submits that petitioner no. 1 namely Niketa Chaudhary i.e. (wife) of deceased is already getting pension of her deceased husband and has also availed all the service and death benefits of her deceased husband and is living separately from her mother in law. Ld. Counsel for petitioners submits that 50% share each of the claim amount be disbursed amongst both the petitioners.

37. Out of the aforesaid awarded amount, the petitioner no. 2 namely Rajesh (mother of deceased) is hereby awarded **Rs. 39,01,470/-**, out of which a sum of **Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand Only)** is ordered to be released into her savings bank account and remaining amount of **Rs. 37,51,470/- (Rupees Thirty Seven Lakhs Fifty One Thousand Four Hundred Seventy Only)** alongwith interest on entire amount awarded to her is directed to be kept in her name with UCO Bank, Karkardooma Courts, Delhi in Motor Accident Claims Annuity Deposit (MACAD) in the form of 100 monthly FDRs (fixed deposit receipts), payable in equal amounts for a period of 1 to 100 months in succession, as per the scheme formulated by the **Hon'ble Delhi High Court vide order dt. 08.01.2021 in FAO No. 842/2003, titled as *Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors.***

38. Out of the aforesaid awarded amount, the petitioner no. 1 namely Niketa Chaudhary (wife of deceased) is hereby awarded an amount of **Rs.**

58,52,206/-, out of which a sum of Rs. **1,50,000/- (Rupees One Lakh Fifty Thousand Only)** is ordered to be released into her savings bank account and remaining amount of **Rs. 57,02,206/- (Rupees Fifty Seven Lakhs Two Thousand Two Hundred Six Only)** alongwith interest on entire amount awarded to her is directed to be kept in her name with UCO Bank, Karkardooma Courts, Delhi in Motor Accident Claims Annuity Deposit (MACAD) in the form of 100 monthly FDRs (fixed deposit receipts), payable in equal amounts for a period of 1 to 100 months in succession, as per the scheme formulated by the **Hon'ble Delhi High Court vide order dt. 08.01.2021 in FAO No. 842/2003, titled as *Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors.***

39. All the FDRs to be prepared as per aforesaid directions, shall be subject to the following conditions:

(a) The original fixed deposit shall be retained by the bank in safe custody and copies of the same be provided to the petitioner with the statement containing FDR number, FDR amount, date of maturity and maturity amount.
(b) The maturity amounts of the FDR(s) be credited by Electronic Clearing System (ECS) in the savings bank account of the claimant.
(c) No loan, advance, withdrawal or pre-mature discharge be allowed on the fixed deposits without permission of the Court.
(d) The concerned bank shall not issue any cheque book and/or debit card to claimant / his guardian. 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.
(e) The bank shall make an endorsement on the passbook of the claimant 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.

40. Respondent no. 3 being insurer of the offending vehicle, is directed to deposit the award amount with interest @ 9% per annum till date with UCO Bank, Karkardooma Court Branch within 30 days as per above order, failing which insurance company shall be liable to pay interest @ 12% p.a for the period of delay. Concerned Branch Manager, UCO Bank, Karkardooma Court Branch is directed to transfer the share amount of the petitioners in their bank account / FDRs as per above-said directions, on completing necessary formalities as per rules. The Branch Manager, is further directed to keep the said amounts in fixed deposits in name of this Court in auto renewal mode every 15 days, till the claimants approach the bank for disbursement, so that the award amount starts earning interest from the date of clearance of the cheques. Form IV-A and Form-V, in terms of MCTAP, shall be read as part of the Award. Copy of the award be given dasti to the petitioner and also to counsel for the Respondent no.3 for compliance. Copy of this award along with one photograph each, specimen signatures, copy of bank passbooks and copy of residence proof of the petitioners, be sent to Nodal Officer of UCO Bank, Karkardooma Court Branch, Delhi for information and necessary compliance.

41. With these directions, the Claim petition is disposed of. File be consigned to Record Room.

MANISH SHARMA

Digitally signed by MANISH SHARMA
Date: 2026.06.06 16:32:23 +0530

Announced in the open Court on 06th June, 2026.

(MANISH SHARMA)
PO(MACT), NORTH EAST
KARKARDOOMA COURTS, DELHI.