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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 154/2026**

SMT OMPATI

.....Appellant

Through: **Mr. Manish Maini, Ms. Anjali Singh
& Mr, R K Jain, Adv.**

versus

IFFCO TOKIO GENERAL INSURANCE COMPANY LTD & ORS

.....Respondents

Through: **Mr. Pankaj Seth & Ms. Shruti Jain,
Adv. for Insurance Co.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% 27.02.2026

CM APPL. 13715/2026 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CM APPL. 13713/2026 & CM APPL. 13714/2026

1. For facts and circumstances as narrated in the application, same is allowed and delay of 47 days in filing the appeal and 11 days' delay in re-filing the appeal stand condoned.
2. Appeal is taken on record.
3. Both applications stand disposed of.

MAC.APP. 154/2026

1. This appeal seeks enhancement of compensation awarded by MACT-01, South-West, Dwarka Courts, New Delhi vide judgment dated 23rd September 2025 in MACT No. 1381/2016, awarding Rs. 17,56,595/-, along



with interest.

2. Enhancement is sought on the basis that minimum wages were taken as that of a skilled worker, whereas the deceased was a professional driver and therefore, it should be re-computed.

3. The accident took place on 16th May 2013 when *Rakesh* (since deceased) was seated in the front cabin in offending vehicle, i.e. truck bearing registration No. HR- 63B-3885, which was driven by respondent No. 2, *Chand Ram*, at a very high speed, due to which the truck overturned causing fatal injuries to the deceased.

4. *Mr. Manish Maini*, Advocate, informs that deceased is survived by his mother, *Smt. Ompati*, appellant herein and two minor children (a son and a daughter), while *Smt. Renu*, wife of deceased, had left company of her husband in 2016 itself, and she took custody of *Pooja*, minor daughter, as well. It is therefore contended that the present appeal has been preferred by mother of deceased and grievance relates to apportionment of compensation awarded by the MACT, which is extracted below:

“47. Award amount Rs.17,57,000/- shall be apportioned amongst petitioners in following manner:

S. No.	Name of the petitioner/relation with deceased	Amount
1.	Smt. Renu Devi (wife)	Rs.6,57,000/-
2.	Sh. Depanshu (son)	Rs.3,00,000/-
3.	Shiksha (daughter)	Rs.3,00,000/-
4.	Pooja (daughter)	Rs.3,00,000/-
5.	Smt. Ompati (mother)	Rs.2,00,000/-
	Total	Rs.17,57,000/-

5. It is submitted that *Smt. Renu*, former wife of deceased, has remarried; therefore, to provide larger share in favour of *Smt. Renu* is not tenable.



6. He further contends that a lesser amount could be allocated to *Smt. Renu*, former wife of the deceased and minor daughter, who is in her custody.
7. In this regard, reliance has been placed on decision of the Supreme Court in ***Anju Mukhi & Ors. v. Satish K Bhatia & Ors.*** (2010) 15 SCC 630, wherein it is held that a widow on her remarriage, loses her right to claim compensation, since there is no loss of income anymore, as the dependency shifts onto the new spouses.
8. Accordingly, issue notice.
9. Counsel for Insurance Company accepts notice.
10. On appellant taking steps through all permissible modes, notice be also issued to respondent no.4, for 27th March 2026.
11. List before Joint Registrar (Judicial) on 27th March 2026.
12. List before this Court on 5th August 2026.
13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 27, 2026/sm/bp