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

\# **CNR No. DLHC010959752013**

\+ MAC.APP. 1087/2013

RAGHU RAUT & ORS. .....Appellant

Through: Ms. Aruna Mehta, Advocate

versus

RAM PASAD & ORS. .....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% **12.08.2026**

1. This appeal has been filed seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, North, Tis Hazari Courts, Delhi [‘***MACT/Tribunal***’], *vide* award dated 27th February 2013 in *Suit. No. 651/2012*, whereby compensation of *Rs. 14,12,950/-* along with interest @ 9% per annum was awarded.

2. *Ms. Aruna Mehta*, counsel for the appellant/claimant, seeks enhancement of compensation on two grounds:

i. ***Firstly*,** considering that the deceased was *25 years* of age at the time of the accident, *future prospects* ought to have been granted at 40% instead of 30%;

ii. ***Secondly***, that the benchmark income ought to have been taken at *Rs. 10,000/-*, based on the testimony of **PW-1**/*Govind Singh,* employer of the deceased, and **PW-3**/*Soni*, wife of the deceased.

3. In view of the principles enunciated by the Supreme Court in ***Sarla Verma v. DTC***, (2009) 6 SCC 121, and ***National Insurance Co. Ltd. v. Pranay Sethi***, (2017) 16 SCC 680, *future prospects* shall be granted at *40%* in case of death of a *25-year-old*, instead of at *30%*, as have been awarded by the MACT.

4. As regards the benchmark income, the testimony of **PW-1**/*Govind Singh*, is noted, who stated that the deceased was looking after his ailing father w.e.f., July 2012, up until his death. **PW-1**/*Govind Singh* further stated that his father was aged 90 years. He was paying the deceased *Rs. 10,000/-* per month, and was also providing him clothes, food, and shelter, free of cost.

5. He narrated the details of the accident, as well as the circumstances in which the accident occurred in his testimony. Even during his cross-examination, nothing contrary was elicited by the Insurance Company. This fact is further corroborated by the testimony of wife of the deceased, **PW-3**/*Soni,* who stated that her husband was working in *Delhi*, and was sending a sum of Rs. *9,000/-* for household expenses. Yet again, this evidence was not rebutted by the Insurance Company.

6. Accordingly, the benchmark income of deceased shall be taken at *Rs. 10,000/-* per month.

7. It is noted that no one has been appearing for the Insurance Company since April 2025, despite notice.

8. As regards the compensation awarded towards *funeral expenses, loss of estate* and *loss of consortium*, the same shall also be aligned with the principles enunciated by the Supreme Court in ***Pranay Sethi*** (*supra*). *Loss of love and affection* shall stand deleted in terms of decision of the Supreme

Court in ***United India Insurance Co. Ltd. v. Satinder Kaur***, (2021) 11 SCC 78.

9. Accordingly, *funeral expenses* and *loss of estate* shall be awarded at *Rs. 15,000/-* each, and *loss of consortium* shall be awarded at *Rs, 1,20,000/-* [*Rs. 40,000 x 3*], considering that there were three family members, namely, *father*, *mother*, and *widow* of the deceased.

10. The revised compensation shall be calculated as under:

S. NO.	HEADS	AWARDED BY THE TRIBUNAL	AWARDED BY THIS COURT
1.	Monthly income of deceased (A)	Rs. 7,254/-	**Rs. 10,000/-**
2.	Add Future Prospects (B)	Rs. 9,430.2/- [@30%]	Rs. 14,000/- **[40%]**
3.	Less Personal expenses of the deceased (C) @ $1/3^{rd}$	Rs. 3,143.4/-	Rs. 4,667/-
4.	Monthly loss of dependency [B-C = D]	Rs. 6,286.8/-	Rs. 9,333/-
5.	Annual loss of dependency (Dx12)	Rs. 75,441.6/-	Rs. 1,11,996/-
6.	Multiplier (E)	18	18
7.	Total loss of dependency (Dx12xE = F)	Rs. 13,57,949/-	Rs. 20,15,928/-
8.	Loss of love and affection (G)	Rs. 25,000/-	NIL

9.	Compensation for loss of consortium (H)	Rs. 10,000/-	Rs. 1,20,000/-
10.	Compensation for loss of estate (I)	Rs. 10,000/-	Rs. 15,000/-
11.	Compensation towards funeral expenses (J)	Rs. 10,000/-	Rs. 15,000/-
12.	Total compensation (F+G+H+I+J = K)	Rs. 14,12,950/- (*rounded off*)	Rs. 21,65,928/-
13.	Interest	9%	9%
14.	**Enhanced amount**	**Rs. 7,52,978/-**	

Directions

11. For the aforesaid reasons, compensation stands enhanced by ***Rs. 7,52,978/-*** ["***enhanced amount***"].

12. Enhanced amount along with *9%* interest per annum from the date of filing the petition, shall be deposited before MACT within a period of *six weeks*. It is directed that a lump sum amount of *Rs. 2,00,000/-* shall be released in favour of the claimants from the deposit of enhanced amount within a period of *two weeks* thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts ['***FDRs***'] of *Rs. 20,000/-* each for periods of 1 month, 2 months, 3 months and so on, in succession as maybe calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of claimants. The amount of FDRs on maturity would be released to the Savings Bank Account of claimants upon due verification.

13. The originally awarded amount along with accrued interest, if not already released, shall be disbursed in favour of the claimants in accordance

with the scheme contained in the impugned award.

14. Appeal is, accordingly, disposed of.

15. Pending applications, if any, are rendered infructuous.

16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 12, 2026/RK/ya