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

% ***Date of decision: 05th August 2026***

\# **CNR No. DLHC011762682013**

\+ **MAC.APP. 1088/2013**

SH KARANJEET & ANR .....Appellant

Through: Mr. Manish Maini and Ms. Aastha Chauhan, Advs.

versus

SH NIRAJ KANT & ORS .....Respondent

Through: Mr. Sameer Nandwani and Mr. Rattan K. Mishra, Advs. for Insurance Company.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. This appeal has been filed by appellants/legal representatives of *Rani Madan* [hereinafter, '***deceased***'], seeking enhancement of compensation awarded by the Motor Accident Claim Tribunal, Karkardooma Courts, Delhi ['***MACT/Tribunal***'] *vide* impugned award dated 06th July 2013, passed in *Suit No. 142/2011*, whereby compensation of *Rs.14,11,628/-* along with interest at the rate of *7.5%* per annum, was awarded. The deceased herein, passed away in an accident which occurred on 12th January 2011.

2. *Ms. Aastha Chauhan*, counsel for appellants, claims enhancement of compensation on the following counts:

(i) That *future prospects* were not granted.

(ii) That the appropriate multiplier ought to have been '*13*' instead of *11*, considering that deceased was *50 years and 11 months* old at the time of the accident.

(iii) That *loss of consortium* which has not been awarded, ought to have been awarded in terms of the principles enunciated by the Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi,*** (2017) 16 SCC 680.

(iv) That the compensation awarded under other heads, including, *loss of love and affection*, *funeral expenses*, and *loss of estate*, may be realigned as per principles laid down in ***Pranay Sethi*** (*supra*).

(v) That the gratuitous services rendered by a homemaker ought to be considered, and awarded as a lump sum amount of *Rs. 10,00,000/-*.

3. As regards the alignment of compensation on basis of the principles enunciated by the Supreme Court, in ***Sarla Verma v. DTC***, (2009) 6 SCC 121 and ***Pranay Sethi*** (*supra*), the following shall be applied and awarded :

(a) *Future prospects*, which were not awarded by the MACT, shall be awarded at **30%**.

(b) The multiplier which was taken as *11*, shall be taken as '***13***', considering that deceased was *50 years* old at the time of the accident.

(c) The *loss of consortium* shall be at awarded at *Rs. 80,000* [*Rs.40,000 x 2*], considering that deceased had *two* children, who are the legal representatives; *loss of love and affection* shall be deleted in terms of decision of the Supreme Court, in ***United India Insurance Co.***

Ltd. v. Satinder Kaur, (2021) 11 SCC 78; *funeral expenses* and *loss of estate* shall be at awarded at *Rs.15,000/-* each

4. As regards the plea that a sum of *Rs.10,00,000* ought to have been awarded towards gratuitous service, the Court notes that both children of deceased had attained the age of majority, and were *20 and 21 years old,* respectively, at the time of the accident and were, therefore, not strictly dependent upon their mother. The father of appellants, that is the husband of the deceased, had predeceased her.

5. *Ms. Aastha Chauhan*, counsel for appellants, relies upon the decision of the Supreme Court in ***Shishu Pal v. Surjeet,*** 2026 SCC OnLine SC 1114, in particular *paragraph 20*, wherein the Court stated that in cases where the homemaker is '*part of the workforce*', the component of '*loss of domestic care*', shall be in addition to the monthly income as may be proved before the Tribunal/Courts. However, the Supreme Court has, in the same decision also stated that the award of compensation under this additional head shall be conditional upon three conditions, and shall be awarded only upon all three being established in a particular case. These include, *homemaker's contribution towards the household*, which cannot be questioned in this matter, the *loss of maternal support* for children, and *loss of spousal support* or *support and care for parents of deceased*.

6. However, in these facts and circumstances, there exists no child who was strictly dependent upon deceased, no husband, and no parent to be taken care of.

7. The calculation of *loss of dependency* shall continue to be at the figures which have been crystallized by the MACT.

8. The revised compensation will be as under:

S. NO.	HEADS	AWARDED BY THE TRIBUNAL	AWARDED BY THIS COURT
1.	Expenditure on medical expenses (A)	Rs. 3,98,628/-	Rs. 3,98,628/-
2.	Monthly income of deceased (B)	Rs. 11,000/-	Rs. 11,000/-
3.	Add Future Prospects (C)	NIL	Rs. 3,300/- [@30%]
4.	Less Personal expenses of the deceased (D) [@1/3rd]	Rs. 3,667/-	Rs. 4,767/-
5.	Monthly loss of dependency [(B+ C)-D = E]	Rs. 7,333/-	Rs. 9,533/-
6.	Annual loss of dependency (Ex12)	Rs. 87,996/-	Rs. 1,14,396/-
7.	Multiplier (F)	11	13
8.	Total loss of dependency (Ex12xF= G)	Rs. 9,68,000/- (*rounded off*)	Rs. 14,87,148/-
9.	Loss of love and affection (H)	Rs. 25,000/-	NIL
10.	Compensation for loss of consortium (I) (40,000 x 2)	NIL	Rs. 80,000/-
11.	Compensation for loss of estate (J)	Rs. 10,000/-	Rs. 15,000/-
12.	Compensation towards	Rs. 10,000/-	Rs. 15,000/-

	funeral expenses (K)		
13.	Total compensation ()	Rs. 14,11,628/-	Rs. 19,95,776/-
14.	**Enhanced Compensation**	**Rs. 5,84,148/-**	
15.	Interest	7.5%	**9%**

Directions

9. Accordingly, the compensation shall stand enhanced by ***Rs. 5,84,148/-*** ['***enhanced compensation***'].

10. The prevailing rate of interest at the time of the accident was 9%.

11. Accordingly, the plea of appellants seeking enhancement of rate of interest to 9%, is accepted.

12. Enhanced compensation along with *9%* interest per annum from the date of filing the petition shall be deposited before MACT within a period of *four weeks*, and shall be released in favour of the claimants thereafter, as a lump sum amount, in accordance with the apportionment provided by the MACT.

13. The compensation originally awarded shall be recalculated by applying an interest at the rate of *9%* per annum, from the date of filing of the claim petition. Subsequently, the amount in excess, shall be deposited before the MACT within *four weeks* and, shall be released in favour of claimants thereafter, as a lump sum amount, in accordance with the apportionment provided by the MACT, thereafter.

14. The originally awarded amount, if not already released, shall be released in favour of claimants in accordance with the directions passed by the MACT *vide* impugned award.

15. Accordingly, the appeal is disposed of.

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

17. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

AUGUST 05, 2026/mk/*ya*