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

\+ MAC.APP. 1168/2014 & CM APPL. 21071/2014

BEENA MALIK .....Appellant

Through: Mr. Kamal Deep, Adv.

versus

RAJBIR GOSWAMI & ORS (UNITED INDIA INS CO LTD) .....Respondent

Through: Mr. Pankaj Seth, Adv. for Insurance Company.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

<u>O R D E R</u>

% **29.01.2026**

1. No one had appeared for respondent no.3/Insurance Company previously.

2. Counsel for the appellant/claimant, who is seeking enhancement of the compensation awarded, bases his case essentially on the computation of the benchmark income, which was taken at *Rs. 2,00,196/-* minus *Rs. 3,018/-* (tax), amounting to *Rs. 1,97,178/-* per annum.

3. He submits that Income Tax Returns for the Assessment Years 2009-10, 2011-12, and 2012-13 were filed and exhibited as ***Ex. PW-5/2*** in the claim petition, and on that basis, it was contended that the income was *Rs. 4,63,590/-* per annum, as reflected in the Income Tax Return for the Assessment Year 2012-13.

4. The MACT, however, assessed the income on the basis of the

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Assessment Year 2011-12, which was, as per the counsel, unsustainable.

5. On this limited issue, *Mr. Pankaj Seth*, counsel appearing for the Insurance Company, shall take instructions.

6. List on 20^{th} March 2026.

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

ANISH DAYAL, J

JANUARY 29, 2026/MK

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