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

+ **MAC.APP. 530/2017**

E NEETA DEVI & ORS

.....Appellants

Through: Mr. Pukhrambam Ramesh Kumar &
Ms. Rajkumari Divyasana,
Advocates.

versus

**ASHWANI KUMAR & ORS (BHARTI AXA GENERAL
INSURANCE CO LTD)**

.....Respondents

Through: Mr. Rajeev M. Roy, Advocate for
R-3 (thru VC)
Ms. Suman Bagga & Ms. Mouli
Sharma , Advs. for R-5.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

11.03.2026

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1. At the outset, *Mr. Pukhrambam Ramesh Kumar*, counsel for appellants/claimants informs that cross-appeal being **MAC.APP. 403/2017** preferred by the Insurance Company was dismissed by this Court *vide* order dated 5th September 2018. He further informs that application **CM APPL.73634/2025** filed by them, seeking release of amounts in the cross appeal has already been allowed by this Court *vide* order dated 27th November 2025.

2. The fundamental issue raised by counsel for appellants/claimants relates to the assessment of benchmark income for calculating loss of dependency. Deceased/*E. Suraj Singh* was a Member of Manipur Legislative Assembly (*MLA*) and passed away in an accident which occurred in the intervening night of 17th and 18th August 2011 in Delhi while he was travelling in a *Santro Car* and a collision occurred with a



Jeep bearing no. DL-12CA-1412 (hereinafter, '*offending vehicle*'), which was being driven by respondent no.1.

3. Motor Accidents Claims Tribunal [*MACT*], East District, Karkardooma Courts, Delhi awarded compensation of Rs. 29,85,000/-, alongwith interest at the rate of 9% was awarded in favour of appellants/claimants (*legal heirs of deceased*).

4. The dominant submission relates to the assessment of benchmark income based on Pay Certificate, *Ex. PW-2/5* wherein the following components were shown:

S.NO.	PARTICULARS	RATE
(i)	Salary	Rs. 18,500/-
(ii)	Entertainment Allowance	Rs. 6,500/-
(iii)	Constituency Allowance	Rs. 12,000/-
(iv)	Contingency Allowance	Rs. 8,000/-
(v)	Telephone Allowance	Rs. 10,000/-
(vi)	Compensatory Allowance	Rs. 7,000/-
(vii)	Secretariat Allowance	Rs. 15,000/-
.....		
Total		Rs. 77,000/-

5. Counsel for appellants/claimants states that salary of deceased was considered by MACT as only 18,500/- by considering component at *serial no. (i)* and excluding all other components from *serial no.(ii)* to *(vii)*.

6. In support of his submissions, counsel for appellant seeks to rely on various judgments *inter alia National Insurance Co. Ltd. Vs. Indira*



Srivastava & Ors., (2008) 2 SCC 763 and extant rules that apply to members of Manipur Legislative Assembly under the provisions of *Salaries & Allowances of Members of the Legislative Assembly (Manipur) Act, 1972* [as Amended by Twentieth Amendment Act, 2014.].

7. He therefore contends that in light of this enactment, these allowances ought to have been included. He further informs that pension stipulated for an MLA is *Rs.40,000/-* per month that deceased would have received, had he been alive, which would have increased over a period of time. However, presently the family is receiving only 60% of the applicable amount as family pension.

8. *Mr. Pukhrambam Ramesh Kumar*, Counsel wishes to file a detailed note to support his contentions.

9. Accordingly, he will file not more than a *five-page note*, synopsisizing his contentions along with *list of citations*, which he wishes to rely upon, cross-referencing *PDF pages* of the Court File. Advance copy of the same will be supplied to the opposite counsels *at least three days* prior to the next date of hearing.

10. Other contesting parties shall also file a *three-page note*, synopsisizing their contentions along with *list of citations*, which they wish to rely upon, cross-referencing *PDF pages* of the Court File. Advance copy of the same will be supplied to the opposite counsels *at least three days* prior to the next date of hearing.

11. List on 12th May 2026 at 2:30 PM.

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

ANISH DAYAL, J

MARCH 11, 2026/sm/sp