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

+ MAC.APP. 1128/2014, CM APPL. 20385/2014

THE NEW INDIA ASSURANCE CO LTDAppellant

Through: Mr. Keshari Kumar Tiwari & Mr.
Pankaj Kumar Tripathi, Advocates.

versus

SUSHITI BHARTI & ORSRespondents

Through:

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+ MAC.APP. 731/2015, CM APPL. 20419/2015 & CM APPL.
20421/2015

SUSHITI BHARTI & ORSAppellants

Through:

versus

VIRENDER & ORS (M/S NEW INDIA ASSURANCE COMPANY)
.....Respondents

Through: Mr. Keshari Kumar Tiwari & Mr.
Pankaj Kumar Tripathi, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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24.03.2026

1. **MAC.APP. 1128/2014** has been filed by the Insurance Company while in the cross-appeal **MAC.APP. 731/2015** has been filed by the claimants. The challenge is to impugned award dated 30th October 2014, which was



subsequently modified *vide* award dated 19th November 2014.

2. While the counsel for Insurance Company challenges the assessment of income and future prospects, he contends that the deceased was 48 years old. Counsel for claimants, on the other hand, submits that the deceased was a journalist working on various assignments and, therefore, had a variable income.

3. Counsel for claimant stated that no basis has been stated by the counsel for the claimants for taking the income of Rs. 5,04,637/- as the gross annual income from the ITR.

4. Therefore, counsel for the claimants has calculated, in the cross-appeal, average annual income as Rs. 6,24,047/- over three financial years, being 2010-2011, 2011-2012, and 2012-2013, the total of which comes to Rs. 18,72,142/-.

5. The assessment made by the claimants' counsel appears appropriate, as this Court notes that the accident occurred on the 21st November 2012, and the deceased passed away soon thereafter. Therefore, the full income for the financial year 2012-2013 would not have been received since he was working on journalistic/production assignments. Accordingly, taking the average income of the preceding three years is possibly the most reasonable and just manner in calculating income of the deceased.

6. Several alignments must be done as per the principles enunciated in ***National Insurance Co. Ltd. v. Pranay Sethi & Ors*** (2017) 16 SCC 680:

- i. *Future Prospect* ought to be 25%, since the deceased was not in permanent employment.
- ii. *Loss of consortium* awarded at Rs.1,00,000/- ought to be awarded at Rs.1,60,000/- (Rs.40,000/- x4), towards one widow, child and



parents of the deceased.

- iii. *Loss of love and affection* awarded at Rs.1,00,000/- ought to be *nil* in terms of *United India Insurance Co. Ltd. v. Satinder Kaur* (2021) 11 SCC 780
- iv. *Funeral expenses* at Rs.25,000/-, ought to be reduced to Rs.15,000/-.
- v. *Loss of estate* awarded at Rs. 10,000/-, ought to be granted at Rs.15,000/-.

7. Accordingly, the compensation is recomputed as under:

S. No.	Heads	Awarded by the Tribunal	Awarded by this Court
1	Annual Income of deceased (A)	Rs.5,04,637/-	Rs. 6,24,047/-
2	Add: Future Prospects (B)	30% of Rs.5,04,637/- = Rs. 1,51, 391	25% of Rs. 6,24,047/-= Rs.1,56,012/-
3	Less: Personal expenses of deceased (C)	1/3 of 6,56,028 = Rs. 2,18,676/-	1/3 of Rs. 7,80,059 = Rs.2,60,020/-
4	Annual loss of dependency (E)	4,37,352/-	Rs. 5,20,039/-
5	Multiplier (F)	13	13
6	Total loss of dependency (ExF) = (G)	Rs. 56,85,576/-	Rs. 67,60,507/-
7	Compensation for loss of consortium (H)	Rs.1,00,000/-	Rs.1,60,000/- (Rs.40,000/- x 4)
8	Loss of love and affection (I)	Rs. 1,00,000/-	NIL
9	Compensation for loss of estate (J)	Rs. 10,000/-	Rs. 15,000/-
10	Compensation towards funeral expenses (K)	Rs. 25,000/-	Rs. 15,000/-
11	Total compensation (G+H+I+J+K)=L	Rs.59,20,576	Rs. 69,50,507
12	Rate of Interest Awarded	9% per annum	9% per annum



8. *Vide* order dated 12th December 2014, the Insurance Company was directed to deposit the awarded amount before the Registrar General of this Court, out of which 70% of the amount was released.
9. Accordingly, the insurance company is directed to deposit the enhanced amount with the Registrar General of this Court.
10. At this stage, counsel for claimant has pointed out that the father and the mother of the deceased have passed away and that she has filed application bearing *CM APPL. 40199/2024*, requesting that the share of the compensation which was to be released to the parents of the deceased be disbursed to the appropriate beneficiaries.
11. She further requests to file application to bring on record beneficiaries of the deceased parents and to file '*no objection*' of the other claimants in this respect.
12. Liberty is granted; the same be filed before the next date of hearing.
13. The only issue that remains to be determined at this stage is the apportionment of the enhanced compensation.
14. Accordingly, list on 13th May 2026.

ANISH DAYAL, J

MARCH 24, 2026/da/bp