



2026:DHC:2693



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

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Reserved on : 19th February 2026
Pronounced on : 01st April 2026
Uploaded on : 02nd April 2026

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MAC.APP. 1165/2013

UTTAR PRADESH STATE ROAD TRANSPORT
CORPORATION.Appellant

Through: Mr. Shadab Khan, Advocate.
versus

RAJENDER SINGH & ORS

....Respondents

Through: Mr. Jatinder Kumar, Advocate for
R-1 to 4.

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MAC.APP. 171/2014

RAJENDER SINGH YADAV & ORSAppellants

Through: Mr. Jatinder Kumar, Advocate for
A-1 to 4.

versus

NAWAB SINGH & ORS.

....Respondent

Through: Mr. Shadab Khan, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J.

1. These are cross appeals filed by owner of offending vehicle, Uttar Pradesh State Road Transport Corporation ('*UPSRTC*') in *MAC APP 1165/2013* and by Rajender Singh & Ors, the legal representatives ('*LRs*') of deceased/*Sachin Yadav* (hereinafter, '*claimants*') in *MAC*



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APP. 171/2014. Owner/UPSRTC seeks to assail the impugned award dated 29th October 2013 passed by Motor Accidents Claims Tribunal (*'MACT'*), Karkardooma Courts (hereinafter, *'Tribunal'*), in M.A.C. petition no. 20/2012 awarding 32,03,820/- at an interest rate of 9% *p.a.* Since the vehicle was not insured on the date of accident, bus driver/*Nawab Singh* and owner/UPSRTC were held liable to pay compensation. Claimants on the other hand seek enhancement of compensation awarded.

The Incident

2. On 27th December 2011, *Mr. Sachin Yadav* (hereinafter, *'deceased'*) was riding on his motorcycle bearing no. DL-3SSBB-3336. When he reached *NH-24 near Jal Nigam Cut, PS Vijay Vihar, Ghaziabad*, a bus bearing no. UP-77N-6517 (hereinafter, *'offending vehicle'*), driven by driver/*Nawab Singh* allegedly in a rash and negligent manner came from behind and hit the motorcycle.

3. As a result of the accident, deceased sustained fatal injuries. It was stated that deceased was working with *Visiocorp Motherson Limited* and earning *Rs.13,000/-* per month and was 28 years of age.

Impugned Award

4. Offending vehicle was driven by driver/*Nawab Singh* while it was owned by the UPSRTC. Driver/*Nawab Singh* filed a written statement stating that he had been falsely implicated. He contended that two motorcycle riders hit each other and fell down on the road. Since there



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was a traffic signal, driver/*Nawab Singh* stopped the bus and suddenly a group of 8 to 10 people came together and pulled driver/*Nawab Singh* out of the offending bus and gave him beatings. Written Statement was filed by owner/ *UPSRTC* reiterating the same.

5. After examining evidence, particularly the charge-sheet, Mechanical Inspection Report (*'MIR'*), site plan, *post mortem* report and testimony of PWs, Tribunal concluded that death of *Mr. Sachin Yadav* was caused due to injuries sustained by him arising out of the accident involving the offending vehicle.

6. Testimony of *Smt. Neetu Yadav ('PW-3')*, wife of *late Mr. Sachin Yadav* was considered. She stated that the deceased was survived by his parents, minor daughter, and herself. Deceased was holding a degree in Bachelor of Technology and was a qualified engineer employed with *Visiocorp Motherson Limited*, earning *Rs. 30,000/-* per month. *Anuj Tyagi ('PW-2')*, Deputy Manager, HR of *Visiocorp Motherson Limited*, brought the summoned records and stated that, deceased had joined the organization on 10th November 2008 as a graduate engineer trainee and was absorbed, thereafter, as a permanent employee. *Rs.16,044/-* was the last drawn salary of deceased. *PW-2* stated that deceased was a qualified engineer and could have been promoted as Deputy General Manager, earning salary of *Rs.5,50,366/-* per month. Age of retirement was 58 years in the organization.



7. Tribunal calculated the net salary as *Rs.15,244/-* [*Rs. 16,044 – Rs. 800*] after deducting *Rs.800/-* towards transport allowance, as the same was not considered to be given for benefit of the family. To that, future prospects of 50% were added to arrive at a figure of *Rs.22,866/-*. After deducting the income tax of *Rs.12,439/-*, annual income of deceased were determined as *Rs.2,61,953/-*. Father of deceased was not considered to be a dependent and, therefore, 1/3rd deduction for personal expenses was taken on the basis of 3 dependents.

8. Considering that the deceased was 28 years of age on the date of accident, multiplier of 17 was applicable, and loss on dependency was calculated at *Rs.29,68,812/-* Further, compensation was granted towards love and affection, loss of estate and funeral expenses, as well as loss of consortium. Compensation awarded by the Tribunal is tabulated as under:

S. No.	Heads	Awarded by the Tribunal
1	Monthly income of deceased (A)	Rs. 15,244/-
2	Add: Future Prospects (B) @ 50%	Rs. 7,622/-
3	Annual Income of deceased [(A+B) x 12]	Rs. 2,74,392/-
4	Less: Tax of Rs. 12,439/- (C)	Rs. 2,61,953/-
5	Less: Personal expenses of deceased (D)	Rs. Rs. 87,317/-



6	Loss of dependency (C – D) = E	Rs. 1,74,636/-
7	Multiplier (F)	17
8	Total loss of dependency (E x F = G)	Rs. 29,68,812/-
9	Compensation for loss of consortium (H)	Rs. 1,00,000/-
10	Compensation for loss of love and affection (I)	Rs. 1,00,000/-
11	Compensation for loss of estate (J)	Rs. 10,000/-
12	Compensation towards funeral expenses (K)	Rs. 25,000/-
13	Total compensation (G+H+I+J+K=L)	Rs. 32,03,812/-
14	Rate of Interest Awarded	9%

Analysis

9. *Mr. Shadab Khan*, counsel for owner/UPSRTC, contented that the bus was not involved in the accident and evidence of bus driver/*Nawab Singh* ('*RIWI*') was not considered. Further, no eyewitness was produced by the claimants to prove negligence of bus driver/*Nawab Singh*. Reliance on evidence of *Mukesh* ('*PW-1*') was misplaced, since he was not an eyewitness. Thus, there was no conclusive basis for finding on the issue of negligence by the Tribunal.

10. To this aspect, counsel for claimants countered by stating that the assessment was basis preponderance of probabilities. An eyewitness had been produced in the inquiry proceedings. Moreover, no protest petition



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had been filed by bus driver/*Nawab Singh* that he had been falsely implicated and that he had been apprehended by the police at that time.

11. To arrive at the conclusion of negligence of bus driver, MACT relied upon the evidence of *PW-1*, and after noting the testimony of *RIWI* discarded the same as not reliable.

12. *Mr. Mukesh Kumar*, who was the brother-in-law of the deceased presented himself as *PW-1*. He stated that he was going towards Ghaziabad when the accident occurred. He stated that he was an eyewitness to the accident and he saw the offending vehicle come from behind, since his brother-in-law was driving in front of his scooter and a distance of 50 to 100 meters was there between his scooter and the deceased's motorcycle. His statement was recorded by the police on the day of accident after about 20 to 30 minutes and the FIR was registered at his behest.

13. He stated that the deceased's head was crushed and he tried to help his injured brother-in-law by lifting his head. Thereafter, police took the injured/*Sachin Yadav* to the hospital with the help of father of deceased, who had also arrived at the spot. He denied the suggestion that he was not present at the spot, and that he was deposing only because he was related to the deceased.

14. Contrary to this, *RIWI* stated in his evidence by way of examination-in-chief, that he was driving the bus with due care from



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from Delhi to Fatehpur Marg and after reaching near *Vijay Nagar More* at about 2:45 pm, he saw two motorcycle riders collide with each other and fall down on the road. There was a traffic signal, due to which he stopped the bus. Suddenly, a group of 8 to 10 people came together, pulled *RIWI* and gave him beatings mercilessly. In the meantime, the police came and he tried to make them understand, but the police did not pay heed and implicated him in the matter. He stated that he was not responsible for the accident.

15. In his cross-examination, he confirmed that he was apprehended by the police and was released on bail, and that he was given beatings by public persons near the spot of accident. He stated that he had not filed any protest petition with respect to him being implicated.

16. Perusal of the FIR would show that it was registered at the behest of *PW-1/Mukesh Kumar* at 15:40 hours, while the accident had occurred at about 14:40 hours. In his statement before the police, *Mukesh Kumar* stated that he and his sister were coming on a scooter behind the deceased, and they were eye-witnesses to the accident. The charge sheet is also on record in respect of FIR No. 625/2011. As per the Mechanical Inspection Report ('*MIR*'), the bus was examined and signs of bumps on both sides were reported.

17. Moreover, *RIWI* was facing trial and had not filed any protest petition against the charges which were framed against him. *PW-*



I/Mukesh Kumar was an eyewitness and his testimony has not been displaced in the cross-examination.

18. *RIWI's* testimony to counter this statement could not be substantiated, since there was no second motorcycle which ever formed part of the record, and it was an admission that he was beaten up by the public and apprehended immediately by the police. Further, the criminal proceedings had clearly implicated him and no protest petition had been filed. Combination of these circumstances would be enough for the Tribunal to arrive at a conclusion on preponderance of probabilities, regarding the negligence of driver/*Nawab Singh*.

19. Counsel for claimants has stated that *RIWI* is a tortfeasor and his evidence cannot be easily believed. Submission made by the counsel for claimants, that there was no reason why the bus driver was beaten up, if he was not responsible for the accident, is tenable and acceptable to this Court.

20. Applying the test of preponderance of probability, the Tribunal was right in arriving at the conclusion that the death was caused due to injuries sustained in the accident due to the negligence of driver.

21. Reliance placed by *Mr. Shadab Khan*, counsel for owner/*UPSRTC* on the decision of *Oriental Insurance Co. Ltd. Vs. Meena Variyal & Others*, 2007, 5 SCC 428 would not be apposite considering that the claim petition was filed under Section 166 of Motor Vehicles Act, 1988,



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which covers fault liability, the burden of proof being on the claimants. The Supreme Court essentially opined that the issue of negligence has to be proved. Considering that the Tribunal's duty under an inquiry is to base their conclusion on preponderance of probabilities, no disservice has been done to this aspect of proving negligence; the burden stood discharged by the claimants.

22. As regards compensation, counsel for owner/*UPSRTC* contended that the monthly income of *Rs.16,044/-* has been wrongly taken, as the salary slip had not been approved by employer and leave allowance ought to have been deducted from the income. Aside from travel allowance, house rent allowance (*'HRA'*), special allowance, Employee State Insurance (*'ESI'*), Provident Fund and bonus have not been deducted. Reliance in this regard was placed on *UPSRTC v. Raj Rani* 2024:DHC:10079 where deductions towards washing allowance, cycle allowance, transport allowance were made by this Court.

23. Further, it was submitted that as per records, date of birth of the deceased was not clear and therefore, multiplier of 17 should not have been taken. Also that, *future prospects* should not have been awarded at 50%.

24. It was also submitted that alignment in relation to compensation should be done as per *National Insurance Co. Ltd v. Pranay Sethi* (2017) 16 SCC 680 and *United India Insurance Co. Ltd. v. Satinder*



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Kaur (2021) 11 SCC 780. Considering the educational qualifications of wife of deceased, she was not a dependent and interest of 9% was excessive.

25. To counter this, counsel for claimants stated that *future prospects* should be granted at 50%, considering that the deceased was 28 years of age as per his Aadhar Card, **Ex. PW3/3** and there is parity between self-employed and a permanent job. Multiplier of 17 was correctly taken as per his age. *Loss of consortium* has not been granted to 4 dependents.

26. In relation to the salary, testimony of **PW-2**, who was the HR manager at *Visiocorp Motherson Ltd*, the company where the deceased was employed, was taken into account. As per **PW-2**, the last drawn salary of deceased was Rs. 16,044/- and salary slip had been produced as **Ex. PW-2/5**.

27. Letter dated 13th May 2011, **Ex. PW-2/4** has been placed on record signed by the Head of the factory where the deceased was working, as per which his monthly compensation had been revised to Rs.16,044/- w.e.f. 01st April 2011. Since, the accident occurred on 27th December 2011, there was no error by the Tribunal in taking this into account.

28. Reliance on **Raj Rani** (*supra*) shall not be of much assistance to owner/UPSRTC, as this Court had deducted washing allowance, cycle allowance, transport allowance and dearness allowance on travel



allowance, since those were the perks enjoyed by the deceased while he was working there and cannot be enjoyed after his death.

29. On the issue of allowances, reliance may be placed upon ***Meenakshi v Oriental Insurance Company***, (2024) SCC OnLine SC 1872, where allowances under head of transport allowance, house rent allowance, Provident Fund, special allowances were added for considering benchmark income. While considering addition of house rent allowance to the income of deceased, the Supreme Court observed as under:

“7. As per the service conditions and pay scales of the Government officials, the house rent allowance is payable between 8% and 30% of the basic salary. Therefore, the house rent allowance is paid in a fixed ratio proportionate to the basic salary. With the increase in basic salary, the quantum of house rent allowance also increases proportionately. The flexible benefit plan and Company contribution admissible to a person employed in private service would also not remain static and are bound to increase with the length of service. The only bone of contention in this appeal is whether perquisites/allowances referred to above should also be taken into account while applying the future prospects. Therefore, entirely excluding these components from the salary of the employee for applying the principle of future prospects would be unjustified. Consequently, we have no hesitation in holding that these allowances cannot be ignored and have to be added to the salary when assessing the rise in income due to future prospects of a person employed in private service. This Court has carved out a rational formula to fix the



percentage of rise of income by future prospects. In the case at hand, the said percentage has been fixed at 50% by both, the Accident Claims Tribunal as well as the Division Bench of the High Court. In view of the discussion made supra, the perquisites/allowances have to be added to the basic salary of the deceased before applying the rise by future prospects.

(emphasis added)

30. As regards allowances under transport, Provident Fund and special allowance, the Supreme Court in ***Meenakshi*** (*supra*), observed as under:

“9. Recently in a judgment dated 11th July, 2024 in National Insurance Company Ltd. v. Nalini [Petition for Special Leave to Appeal (C) No. 4230/2019], this Court held that, allowances under the heads of transport allowance, house rent allowance, provident fund loan, provident fund and special allowance ought to be added while considering the basic salary of the victim/deceased to arrive at the dependency factor.

10. Therefore, components of house rent allowance, flexible benefit plan and company contribution to provident fund have to be included in the salary of the deceased while applying the component of rise in income by future prospects to determine the dependency factor. The Accident Claims Tribunal was justified in factoring these components into the salary of the deceased, before applying 50% rise by future prospects due to future prospects, while calculating the total compensation payable to the appellant.”

(emphasis added)



31. This has also been considered by the Supreme Court in ***Kavita Devi & Ors v Sunil Kumar & Anr*** 2025 INSC 938. Relevant observation of the Supreme Court is extracted as under:

“17. This Court has consistently held in case of the allowances which are included in the component of salary of the deceased, Tribunal has to take into consideration these allowances as they were used for supporting the family. The claimants have to show that these allowances were regularly received and used for the family’s benefit. Further, while determining whether the allowances form a part of the salary or not, the Tribunal by looking into the facts of each case and by considering the extent of dependency of the claimants on the salary of the deceased including the allowances, have to determine whether these allowances should be excluded from determination of the income of the deceased. If the answer of the Tribunal is in affirmative, then the allowances may be excluded for determination of loss of dependency. If the Tribunal answers the above point in negative, then the Tribunal has to include the allowances for computation of income of the deceased, thus determining the loss of dependency.”

(emphasis added)

32. In view of the same, deduction of Rs. 800/- made by the MACT, would not be accounted for and the benchmark income would be taken as Rs.16,044/-.

33. This Court has perused the various salary slips produced on record, which show that salary earned by deceased was consistently increasing as noted in the Letter of Traineeship dated 10th November,



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2008, where monthly salary of deceased was noted as Rs. 8,634/-. Thereafter, as per the appointment letter effective from 1st April 2010, the salary of deceased was Rs. 12,302/-. Thereafter, from 1st April, 2011, his monthly salary was increased to Rs.16,044/- as a token of appreciation. Further, the progressive career plan of deceased, as prepared by the employer, is extracted as under:

Career Plan of Late. Sachin Yadav

Year	2011	2014	2018	2022	2026	2031	2035	2040
Monthly CTC Rs.	16,044	23,153	39,110	66,060	107,714	198,462	312,289	550,366
Designation	Executive	Sr. Executive	Asst. Manager	Dy. Manager	Manager	Sr. Manager	Asst. General Manager	Dy. General Manager
		@ 13% PA	@ 14% PA	@ 14% PA	@ 13% PA	@ 13% PA	@ 12% PA	@ 12% PA

34. As regards the issue of future prospects in cases of a permanent employee, some guidance has been provided by the High Court of Madhya Pradesh at Jabalpur in *Anjum Ansari v. R. Rajesh Rao*, 2024 SCC OnLine MP 9613, wherein the Court held that, in view of the principles laid down in *Pranay Sethi (supra)*, it is not correct to state that only a government servant would be treated as having a permanent job. In the facts of that case, the Court noted that the deceased was working as an Assistant Professor at Corporate Institute of Science & Technology, Bhopal, and that the salary drawn by the deceased was subject to periodic revisions/hikes, therefore, he was considered to be in permanent job. The relevant paragraphs are extracted hereinbelow.

“8. In this court's opinion, above issue stands settled by Five Judges Bench of Hon'ble Apex Court in National Insurance



Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680 : AIR 2017 SC 5157 as under:—

55. *“Presently, we come to the issue of addition of future prospects to determine the multiplicand.*

56. *In Santosh Devi ((2012) 6 SCC 421 : AIR 2012 SC 2185) the Court has not accepted as a principle that a self-employed person remains on a fixed salary throughout his life. It has taken note of the rise in the cost of living which affects everyone without making any distinction between the rich and the poor. Emphasis has been laid on the extra efforts made by this category of persons to generate additional income. That apart, judicial notice has been taken of the fact that the salaries of those who are employed in private sectors also with the passage of time increase manifold. In Rajesh s case, the Court had added 15% in the case where the victim is between the age group of 15 to 60 years so as to make the compensation just, equitable, fair and reasonable. This addition has been made in respect of self-employed or engaged on fixed wages.*

57. *In such an adjudication, the duty of the tribunal and the courts is difficult and hence, an endeavour has been made by this Court for standardisation which in its ambit includes addition of future prospects on the proven income at present As far as future prospects are concerned, them has been standardisation keeping in view the principle of certainty, stability and consistency. We approve the principle of “standardisation” so that a specific and certain multiplicand is determined for applying the multiplier on the basis of age.*

59. *Having bestowed our anxious consideration, we are disposed to think when we accept the principle of*



standardisation, there is really no rationale not to apply the said principle to the self-employed or a person who is on a fixed salary. To follow the doctrine of actual income at the time of death and not to add any amount with regard to future prospects to the income for the purpose of determination of multiplicand would be unjust. The determination of income while computing compensation has to include future prospects so that the method will come within the ambit and sweep of just compensation as postulated under Section 168 of the Act. In case of a deceased who had held a permanent job with inbuilt grant of annual increment, there is an acceptable certainty. But to slate that the legal representatives of a deceased who was on a fixed salary would not be entitled to the benefit of future prospects for the purpose of computation of compensation would be inapposite. It is because the criterion of distinction between the two in that event would be certainty on the one hand and staticness on the other. One may perceive that the comparative measure is certainty on the one hand and uncertainty on the other but such a perception is fallacious. It is because the price rise does affect a self-employed person; and that apart there is always an incessant effort to enhance one's income for sustenance. The purchasing capacity of a salaried person on permanent job when increases because of grant of increments and pay revision or for some other change in service conditions, there is always a competing attitude in the private sector to enhance the salary to get better efficiency from the employees. Similarly, a person who is self-employed is bound to gamer his resources and raise his charges/fees so that he can live with same facilities. To have the perception that he is likely to remain static



and his income to remain stagnant is contrary to the fundamental concept of human attitude which always intends to live with dynamism and move and change with the time. Though it may seem appropriate that there cannot be certainty in addition of future prospects to the existing income unlike in the case of a person having a permanent job yet the said perception does not really deserve acceptance. We are inclined to think that there can be some degree of difference as regards the percentage that is meant for or applied to in respect of the legal representatives who claim on behalf of the deceased who had a permanent job than a person who is self-employed or on a fixed salary. But not to apply the principle of standardisation on the foundation of perceived lack of certainty would tantamount to remaining oblivious to the marrows of ground reality.....

61. In view of the aforesaid analysis, we proceed to record our conclusions:

(i) XXX XXX XXX XXX

(ii) XXX XXX XXX XXX

(iii) While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.

(iv) In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where



the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation.....”

9. Thus, from observations as well as principle of law laid down by Hon'ble Apex Court in Pranay Sethi (Supra), it is clearly evident that if a person is in such a job wherein his salary is increased periodically/receives annual increment etc., then, such person would be treated as being in “permanent job”. Hence, in view of principle of law laid down in Pranay Sethi (Supra), it is not correct that only government servant would be treated as being in “permanent job”.

(emphasis added)

35. Considering that he was below 40 years of age and had a fixed income job in a private company, therefore, *future prospects* should be 50% as considered by the Tribunal, along with a multiplier of 17. During cross-examination, **PW-3**/wife of deceased stated that she was holding an M.Sc and B.Ed. degree however she was a homemaker, therefore, she would be considered as a dependent. Considering that the dependents were minor daughter, wife, and mother, deduction of 1/3 towards *personal living expenses* made by the Tribunal, was correct and sustainable.

36. As regards compensation towards *loss of love and affection*, same would be not counted as per the decision in **Satindar Kaur** (*supra*) as this head has been subsumed under loss of consortium. Relevant observations of the Supreme Court are extracted as under:



“34. At this stage, we consider it necessary to provide uniformity with respect to the grant of consortium, and loss of love and affection. Several Tribunals and the High Courts have been awarding compensation for both loss of consortium and loss of love and affection. The Constitution Bench in *Pranay Sethi [National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680 : (2018) 3 SCC (Civ) 248 : (2018) 2 SCC (Cri) 205]*, has recognised only three conventional heads under which compensation can be awarded viz. loss of estate, loss of consortium and funeral expenses. In *Magma General [Magma General Insurance Co. Ltd. v. Nanu Ram, (2018) 18 SCC 130 : (2019) 3 SCC (Civ) 146 : (2019) 3 SCC (Cri) 153]*, this Court gave a comprehensive interpretation to consortium to include spousal consortium, parental consortium, as well as filial consortium. Loss of love and affection is comprehended in loss of consortium.

35. The Tribunals and the High Courts are directed to award compensation for loss of consortium, which is a legitimate conventional head. There is no justification to award compensation towards loss of love and affection as a separate head.”

(emphasis added)

37. In respect of conventional heads, *funeral expenses* would be Rs. 15,000/- and *loss of estate* would also be Rs. 15,000/- as per ***Pranay Sethi (supra)***. Relevant observations of the Supreme Court are extracted as under:

“52. As far as the conventional heads are concerned, we find it difficult to agree with the view expressed in *Rajesh [Rajesh v. Rajbir Singh, (2013) 9 SCC 54 : (2013) 4 SCC (Civ) 179 : (2013) 3 SCC (Cri) 817 : (2014) 1 SCC*



(L&S) 149]. It has granted Rs 25,000 towards funeral expenses, Rs 1,00,000 towards loss of consortium and Rs 1,00,000 towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh [Rajesh v. Rajbir Singh, (2013) 9 SCC 54 : (2013) 4 SCC (Civ) 179 : (2013) 3 SCC (Cri) 817 : (2014) 1 SCC (L&S) 149] refers to Santosh Devi [Santosh Devi v. National Insurance Co. Ltd., (2012) 6 SCC 421 : (2012) 3 SCC (Civ) 726 : (2012) 3 SCC (Cri) 160 : (2012) 2 SCC (L&S) 167] , it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.”

(emphasis added)



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38. *Loss of consortium* would be granted for 4 family members at Rs. 1,60,000/- [Rs. 40,000/-x 4] as per *Pranay Sethi (supra)* and *Magma General Insurance Co. Ltd. vs. Nanu Ram* (2018) 18 SCC 130.

39. As regards the interest rate, there is nothing unreasonable in the grant of 9%, as these are standard rates of fixed deposit interest provided by the nationalized banks as per Reserve Bank of India ('RBI') policy. This aspect has discussed by the Supreme Court in *Kaushnuma Begum & Ors. v. New India Assurance Co. Ltd.* (2001) 2 SCC in *paragraph 24* where an interest rate of 9% was taken.

40. Accordingly, the revised computation is as under:

S. No.	Heads	Awarded by the Tribunal	Awarded by the Court
1	Monthly income of deceased (A)	Rs. 15,244/-	Rs.16,044/-
2	Add: Future Prospects (B) @ 50%	Rs. 7,622/-	Rs. 8,022/-
3	Annual Income of deceased [(A+B) x 12]	Rs. 2,74,392/-	Rs. 2,88,792/-
4	Less: Tax of Rs. 12,439/- (C)	Rs. 2,61,953/-	Rs. 2,76,353/-
5	Less: Personal expenses of deceased (D)	Rs. Rs. 87,317/-	Rs. 92,117/-
6	Loss of dependency (C – D) = E	Rs. 1,74,636/-	Rs. 1,84,236/-
7	Multiplier (F)	17	17
8	Total loss of dependency (E x F = G)	Rs. 29,68,812/-	Rs. 31,32,012/-



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9	Compensation for loss of consortium (H)	Rs. 1,00,000/-	Rs. 1,60,000/-
10	Compensation for loss of love and affection (I)	Rs. 1,00,000/-	Nil
11	Compensation for loss of estate (J)	Rs. 10,000/-	Rs. 15,000/-
12	Compensation towards funeral expenses (K)	Rs. 25,000/-	Rs. 15,000/-
13	Total compensation (G+H+I+J+K=L)	Rs. 32,03,812/-	Rs. 33,22,012/-
14	Rate of Interest Awarded	9%	9%

Conclusion

41. The appeal is disposed of with the following directions:

- i. *Vide* order dated 17th December 2013, this Court had stayed the execution of the impugned award subject to deposit of entire awarded amount, along with interest with the Registrar General of this Court. Upon deposit, 65% of the awarded amount was to be released in favour of claimants as per the terms and conditions as fixed by the Tribunal. The balance amount will now be released as per terms and conditions fixed by the Tribunal.
- ii. Enhanced amount of Rs. 1,18,200/- along with interest at 9% per annum from the date of filing of petition be deposited by owner/UPSRTC within a period of 4 weeks before the Registrar General and same shall be apportioned and released to claimants as per the directions of the Tribunal.
- iii. Statutory deposit (if any) be refunded to owner/UPSRTC.



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42. Pending application, if any, are rendered infructuous
43. Judgment be uploaded on the website of this Court.

**ANISH DAYAL
(JUDGE)**

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