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

% ***Reserved on : 16th January 2026***
Pronounced on : 1st April 2026
***Uploaded on* : 02nd April 2026**

\+ **MAC.APP. 814/2013**

IFFCO TOKIO GEN. INS. CO. LTD .....Appellant

Through: Mr. Brijesh Bagga Advocate & Ms. Mouli Sharma, Advs.

versus

SH ANIL KUMAR KAUSHIK & ORS .....Respondents

Through: Mr. S.N. Parashar, Advocate with Mr. Ritik Singh, Advocate for R-1.
Mr. Syed Hasan Isfahani & Uday Singh Advocate for Respondent No.2

\+ **MAC.APP. 288/2017**

ANIL KUMAR KAUSHIK .....Appellant

Through: Mr. S.N. Parashar, Advocate with Mr. Ritik Singh, Advocate.

versus

IFFCO TOKIO GENERAL INS CO LTD & ORS .....Respondents

Through: Mr. Brijesh Bagga Advocate & Ms. Mouli Sharma, Advs.
Mr. Syed Hasan Isfahani & Uday Singh Advocate for Respondent No.2

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL
JUDGMENT

%

ANISH DAYAL, J.

1. These are cross appeals being ***MAC APP. 814/2013*** filed by Insurance Company and ***MAC APP. 288/2017*** filed by claimant for

enhancement of compensation both in respect of the impugned award dated 01st June 2013 passed by Motor Accidents Claims Tribunal ['***MACT***'], Saket, New Delhi (hereinafter, '***Tribunal***') whereby Rs. 26,55,000/- alongwith interest at the rate of 9% per annum was awarded to the legal representative ('***LR***') of deceased/claimant. While the Insurance Company seeks reduction of compensation, claimant seeks enhancement.

The Incident

2. On 30th April 2010, at about 07:30 p.m. *Rahul Kaushik (*hereinafter*, '**deceased**')*, was travelling on his cycle to attend coaching classes and upon reaching *Jat Samaj Road, Talwandi Kota, Rajasthan,* a motorcycle bearing no. *RJ-20-SG-0678* driven in a rash and negligent manner by respondent no.2/driver hit him, as a result of which he fell down from his bicycle and sustained head injuries. He was removed to *Maitrey Hospital, Kota* and, thereafter, transferred to *Sehgal Nursing Home, Kailash Colony, New Delhi* and then to *Paras Hospital, Haryana* where he succumbed to his injuries on 19th October 2010. At the time of accident, deceased was 17 years of age and a student of Class XII.

3. FIR No. 128/2010 was registered at *PS Kota City, Jawahar Nagar, Rajasthan* under Sections 279/337 of Indian Penal Code, 1860 ('***IPC***') and claim petition was filed by *Anil Kumar Kaushik*/father of deceased (*claimant herein*) and *Pratibha Kaushik*/mother of deceased who passed away during the proceedings and was subsequently deleted from the array of parties. Offending vehicle was being driven by respondent no.2/*Anshul Jain* and was owned by respondent no.3/*Ranchor Aggarwal*.

Impugned Award

4. *Anil Kumar Kaushik/*father of deceased examined himself as ***PW-1***, Record Clerk of *Maitrey Hospital, Kota* was examined as ***PW-2***, Deputy Manager, Medical Radiation Technologist ('*MRT*') of *Paras Hospital*, *Haryana* was examined as ***PW-3***, accountant at *Sehgal Nursing Home*, *Kailash Colony* was examined as ***PW-4*** and eye witness, *Dinesh Sharma* was examined as ***PW-5***. No witnesses were examined by respondents therein.

5. Deceased was a bachelor and it was stated that besides studying in Class XII, deceased was taking tuitions and earning *Rs. 40,000/-* per annum, since he was a brilliant student.

6. On the issue of causation, Tribunal held that on the basis of the testimony of ***PW-1*** and documents placed, claimant had established that the deceased died due to rash and negligent driving of offending vehicle.

7. Compensation awarded by Tribunal is as under:

1) Medical Expenses	=	*Rs.18,40,500/-*
2) Loss Of Dependency	=	*Rs. 7,54,500/-*
3) Loss Of Love and Affection	=	*Rs. 25,000/-*
4) Funeral Expenses	=	*Rs. 25,000/-*
5) Loss Of Estate	=	*Rs. 10,000/-*

TOTAL		*Rs. 26,55,000/-*

Contentions of the Parties

8. Insurance Company has challenged the impugned award on 3 counts - ***first*** is on the calculation of loss of dependency, that since mother of deceased had passed away during the pendency of claim petition, there was no dependent, as the father of deceased was not dependent on the income of deceased; ***second***, that future prospects were

wrongly given, since the deceased was a student and not earning at the time of accident; ***third***, since he was a student, benchmark income should have been calculated on the basis of notional income, as per Second Schedule of Motor Vehicles Act, 1988 and income was wrongly determined on the basis of minimum wages.

9. On the other hand, claimants challenged the impugned award on multiple grounds- ***first***, that the multiplier had been taken on the basis of age of the father, instead of the deceased and should be *18* instead of *15*; ***second,*** that future prospects should be awarded at *40%* instead of *30%* as per ***National Insurance Company Ltd. vs. Pranay Sethi & Ors***. (2017) 16 SCC 680 ('***Pranay Sethi***'); ***third***, that compensation awarded towards non-pecuniary heads *i.e.* loss of estate, love and affection, and funeral expenses should be aligned as per the amounts in ***Pranay Sethi*** (*supra*) and; ***fourth***, that medical expenses should have been awarded at *Rs 25,30,950/-* instead of *Rs.18,40,000/-*.

Analysis

10. An issue came up for deliberation whether the decision in ***Pranay Sethi*** (*supra*) would have retrospective application to an award which was given prior to 2018. In this regard, reference was made to a decision of Supreme Court in ***New India Assurance Company v. Sonigra Juhi Uttamchand***, 2025 INSC 15, where the Supreme Court stated that the High Court could not be faulted in fixing amounts in excess of the amounts fixed in ***Pranay Sethi*** (*supra*), since the judgment was passed prior to the pronouncement of the judgment in ***Pranay Sethi*** *(supra)* and stated as under:

> "9... *we are of the view that the Tribunal and the High Court cannot be found at fault with fixing the amounts*

> *in excess of the aforesaid amounts fixed by this Court as the award and the judgment of the High Courts were passed prior to the pronouncement of the judgment of this Court in* ***Pranay Sethi's*** *case. But at the same time, it is to be noted that in the decision in* ***M.A. Murthy v. State of Karnataka and Ors****, this Court held that when in a decision this Court enunciates a principle of law, it is applicable to all cases irrespective of the stage of pendency thereof because it is to be assumed that what is enunciated by this Court is, in fact, the law from inception. We may hasten to add that we shall not be understood to have held that pursuant to enunciation of a principle of law, matters that attained finality shall be reopened solely for the purpose of applying the law thus laid. But at the same time, if the matter is pending, then, irrespective of the stage, the principle cannot be ignored*."
>
> (emphasis added)

11. Further reliance was placed upon ***MM Murthy v State of Karnataka and Ors***, (2003) 7 SCC 517, where the Supreme Court held as under:

> "8. *Learned counsel for the appellant submitted that the approach of the High Court is erroneous as the law declared by this Court is presumed to be the law at all times. Normally, the decision of this Court enunciating a principle of law is applicable to all cases irrespective its stage of pendency because it is assumed that what is enunciated by the Supreme Court is, in fact, the law from inception. The doctrine of prospective over-ruling which is a feature of American jurisprudence is an exception to the normal principle of law, was imported and applied for the first time in* ***L.C. Golak Nath and Ors. v. State of Punjab and Anr****. (AIR 1967 SC 1643). In* ***Managing Director, ECIL, Hyderabad and Ors. v. B. Karunakar and Ors****. (1993 (4) SCC 727) the view was adopted. Prospective over-ruling is a part of the principles of constitutional canon of interpretation*

> *and can be resorted to by this Court while superseding law declared by it earlier. It is a device innovated to avoid reopening of settled issues, to prevent multiplicity of proceedings, and to avoid uncertainty and avoidable litigation. In other words, actions taken contrary to the law declared prior to the date of declaration are validated in larger public interest. The law as declared applies to future cases. (See* ***Ashok Kumar Gupta v. State of U.P.*** *(1997) 5 SCC 201,* ***Baburam v. C.C. Jacob*** *(1999) 3 SCC 362). It is for this Court to indicate as to whether the decision in question will operate prospectively. In other words, there shall be no prospective over-ruling, unless it is so indicated in the particular decision. It is not open to be held that the decision in a particular case will be prospective in its application by application of the doctrine of prospective over-ruling. The doctrine of binding precedent helps in promoting certainty and consistency in judicial decisions and enables an organic development of the law besides providing assurance to the individual as to the consequences of transactions forming part of the daily affairs. That being the position, the High Court was in error by holding that the judgment which operated on the date of selection was operative and not the review judgment in* ***Ashok Kumar Sharma's*** *case No. II. All the more so when the subsequent judgment is by way of Review of the first judgment in which case there are no judgments at all and the subsequent judgment rendered on review petitions is the one and only judgment rendered, effectively and for all purposes, the earlier decision having been erased by countenancing the review applications. The impugned judgments of the High Court are, therefore, set aside*."
>
> (emphasis added)

12. In ***Kanishk Sinha & Anr v. The State of West Bengal & Anr***, 2025 INSC 278, the Supreme Court has further reviewed the issue as under:

> *"3. ...Now the law of prospective and retrospective operation is absolutely clear. Whereas a law made by the legislature is always prospective in nature unless it has been specifically stated in the statute itself about its retrospective operation, the reverse is true for the law which is laid down by a Constitutional Court, or law as it is interpretated by the Court. The judgment of the Court will always be retrospective in nature unless the judgment itself specifically states that the judgment will operate prospectively. The prospective operation of a judgment is normally done to avoid any unnecessary burden to persons or to avoid undue hardships to those who had bona fidely done something with the understanding of the law as it existed at the relevant point of time. Further, it is done not to unsettle something which has long been settled, as that would cause injustice to many."*
>
> (emphasis added)

13. Considering that the appeal is a continuation of the claim proceedings, these principles enunciated by the Supreme Court would squarely apply.

14. MV Act is a beneficial legislation. Courts have consistently applied the principles of ***Pranay Sethi*** (*supra*) to align the elements of compensation in order to provide standardization which has been the bulwark of the decision in ***Pranay Sethi*** (*supra*).

15. The Constitution Bench of the Supreme Court in ***Pranay Sethi,*** (*supra*) emphasised that "*just compensation*" under Section 168 of the Motor Vehicle Act, 1988 must rest on fairness, reasonableness and equity, avoiding both windfall gains and inadequate awards. The assessment must be grounded in proven age and income, followed by application of the appropriate multiplier as standardised in ***Sarla Verma v. DTC,*** (2009) 6 SCC 121 and affirmed in ***Reshma Kumari v. Madan***

Mohan, (2013) 9 SCC 65. The Court stressed pragmatic and uniform computation, including future prospects, to ensure proximity to real loss. Relevant paragraph is extracted as under:

> "***55***. *Section 168 of the Act deals with the concept of "just compensation" and the same has to be determined on the foundation of fairness, reasonableness and equitability on acceptable legal standard because such determination can never be in arithmetical exactitude. It can never be perfect. The aim is to achieve an acceptable degree of proximity to arithmetical precision on the basis of materials brought on record in an individual case. The conception of "just compensation" has to be viewed through the prism of fairness, reasonableness and non-violation of the principle of equitability. In a case of death, the legal heirs of the claimants cannot expect a windfall. Simultaneously, the compensation granted cannot be an apology for compensation. It cannot be a pittance. Though the discretion vested in the tribunal is quite wide, yet it is obligatory on the part of the tribunal to be guided by the expression, that is, "just compensation". The determination has to be on the foundation of evidence brought on record as regards the age and income of the deceased and thereafter the apposite multiplier to be applied. The formula relating to multiplier has been clearly stated in Sarla Verma [Sarla Verma v. DTC, (2009) 6 SCC 121 : (2009) 2 SCC (Civ) 770 : (2009) 2 SCC (Cri) 1002] and it has been approved in Reshma Kumari [Reshma Kumari v. Madan Mohan, (2013) 9 SCC 65 : (2013) 4 SCC (Civ) 191 : (2013) 3 SCC (Cri) 826] . The age and income, as stated earlier, have to be established by adducing evidence. The tribunal and the courts have to bear in mind that the basic principle lies in pragmatic computation which is in proximity to reality. It is a well-accepted norm that money cannot substitute a life lost but an effort has to be made for grant of just*

> *compensation having uniformity of approach. There has to be a balance between the two extremes, that is, a windfall and the pittance, a bonanza and the modicum. 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, there 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.*"
>
> (emphasis added)

16. The Constitution Bench in ***Pranay Sethi*** (*supra*) standardized certain principles of computation of compensation and focused on the principle of standardization. *Ergo*, when a matter is pending in appeal before this Court challenging various aspects of computation, this Court cannot ignore standardized parameters laid down by the Supreme Court and endorse *ad hoc* assessments made by the Tribunal previously.

17. Now, various issues raised by the parties will have to be dealt with specifically.

18. Another contention was raised by the counsel for Insurance Company that the subsequent death of mother of deceased would not make her dependent on the deceased. This issue has been squarely covered by the decision of Supreme Court in ***Kirti & Anr. v. Oriental Insurance Company Ltd.*** (2021) 2 SCC 166 where the mother of deceased had expired during the pendency of claim proceedings. Noting that the subsequent death of a dependent is not a reason for seeking reduction in compensation, the Supreme Court observed as under:

> *"**I. Deduction for personal expenses***
> *9. We have thoughtfully considered the rival submissions. It cannot be disputed that at the time of death, there in fact were four dependants of the deceased and not three. The subsequent death of the deceased's dependant mother ought not to be a reason for reduction of motor accident compensation. Claims and legal liabilities crystallise at the time of the accident itself, and changes post thereto ought not to ordinarily affect pending proceedings. Just like how the appellant claimants cannot rely upon subsequent increases in minimum wages, the respondent insurer too cannot seek benefit of the subsequent death of a dependant during the pendency of legal proceedings. Similarly, any concession in law made in this regard by either counsel would not bind the parties, as it is legally settled that advocates cannot throw away legal rights or enter into arrangements contrary to law. [Director of Elementary Education v. Pramod Kumar Sahoo, (2019) 10 SCC 674, para 11 : (2020) 1 SCC (Civ) 38 : (2020) 1 SCC (L&S) 42]"*
>
> (emphasis added)

19. Calculation of compensation in cases where there is subsequent death of a parent has also been dealt with by the Coordinate Bench of this Court in ***Rajwant Kaur v. Rakesh Kumar***, 2025 SCC OnLine Del 3414 where the claim petition was filed by widow, minor children and father of the deceased, who had expired during the pendency of claim proceedings. Placing reliance on the decision of Supreme Court in ***Kirti*** (*supra*), this Court overturned the findings of the Tribunal to the extent where 1/3rd had been deducted on account of personal and living expenses. Relevant observations of the Court are extracted as under:

> *"**12.** In the present case, the deceased was survived by his wife, two minor children, and his father—who was originally impleaded as a claimant and declared to be wholly dependent in the affidavit (Ex. PW1/A). Although the*

> *father of the deceased passed away during the pendency of the claim, dependency at the time of the accident is the relevant consideration for this computation and the fact remains that on the date the cause of action arose there were four claimants.*
>
> ***13.*** *The learned Tribunal failed to appreciate this legal position and thus erred in applying the deduction of one-third instead of one-fourth. The same is liable to be corrected."*
>
> (emphasis added)

20. In the present case, finding of the Tribunal as regards the issue of dependency is extracted as under:

> *"22. It was contended by Ld. counsel for the respondent no.3 that the mother of deceased has died during the proceedings and the petitioner is not financially dependent on the deceased, so in view of the law laid down in the case of Saria Verma (Supra), the petitioner is not entitled to compensation. towards Loss of Dependency. I do not agree with this contention as at the time of the death of deceased, the mother of the deceased was alive. Even otherwise, he would have contributed to the income of the family. He could be the source of survival for his father at his old age."*
>
> (emphasis added)

21. In the present case, the claim petition had been filed by mother of deceased, as also the police complaint. While she subsequently passed away during the pendency of the proceedings, the Tribunal has rightly granted loss of dependency, considering that she was alive when the accident took place and her subsequent death would not make a difference and she would be considered a dependent. However, father of deceased being 40 years of age at the time of accident, would not be a considered to be dependent on his minor son.

22. *Loss of estate* should have been awarded at *Rs. 15,000/-*, *funeral expenses* at *Rs. 15,000/-* as per the principles enunciated in ***Pranay Sethi*** *(supra)*. Compensation towards *loss of love and affection,* ought not to have been awarded, as per finding of Supreme Court in ***United India Insurance Company Limited v. Satinder Kaur alias Satwinder Kaur & Ors.*** (2021) 11 SCC 780 wherein it was held that no amount would be granted separately under this head, since the same has been subsumed under loss of consortium.

23. While the Tribunal did not award any amount towards loss of consortium, the concept of filial consortium was considered by the Supreme Court in ***Magma General Insurance Co. Ltd. v. Nanu Ram***, (2018) 18 SCC 130. Relevant paragraphs are extracted as under:

> *"**21.** A Constitution Bench of this Court in Pranay Sethi [National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680 : (2018) 3 SCC (Civ) 248 : (2018) 2 SCC (Cri) 205] dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortium. In legal parlance, "consortium" is a compendious term which encompasses "spousal consortium", "parental consortium", and "filial consortium". The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse: [Rajesh v. Rajbir Singh, (2013) 9 SCC 54 : (2013) 4 SCC (Civ) 179 : (2013) 3 SCC (Cri) 817 : (2014) 1 SCC (L&S) 149]*
>
> *...*
>
> ***21.3.** Filial consortium is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family*

of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.

22. *Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognised that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.*

23. *The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count [Rajasthan High Court in Jagmala Ram v. Sohi Ram, 2017 SCC OnLine Raj 3848 : (2017) 4 RLW 3368; Uttarakhand High Court in Rita Rana v. Pradeep Kumar, 2013 SCC OnLine Utt 2435 : (2014) 3 UC 1687; Karnataka High Court in Lakshman v. Susheela Chand Choudhary, 1996 SCC OnLine Kar 74 : (1996) 3 Kant LJ 570]. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of filial consortium.*

24. *The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under "loss of consortium" as laid down in Pranay Sethi [National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680 : (2018) 3*

SCC (Civ) 248 : (2018) 2 SCC (Cri) 205]. In the present case, we deem it appropriate to award the father and the sister of the deceased, an amount of Rs 40,000 each for loss of filial consortium."

(emphasis added)

24. Therefore, in view of the above decision, *Rs. 40,000/-* be awarded towards loss of consortium.

25. As regards medical expenses, ***PW1***, father of the deceased, in his testimony stated that medical expenditure incurred at *Paras Hospital, Haryana* was around *Rs. 20,50,000/-* and the hospital bills and medicines at *Kota Hospital* were around *Rs. 4,50,000/-*. Expenditure incurred at *Sehgal Hospital, Kailash Colony* was about *Rs. 40,000/-* He stated that he had paid the entire bill incurred at *Paras Hospital* in cash from his own account and through borrowings from 10 to 20 relatives.

26. Medical bills from *Paras Hospital* form part of the Trial Court Record at ***Ex. PW3/A*** which shows that the total bill amount was *Rs. 18,86,178/-* and upon receiving a discount of *Rs. 4,35,774/-*, the claimant paid a total of *Rs. 14,50,404/-,* as supported by the testimony of ***PW-3***. Medical bills from *Sehgal Hospital, Kailash Colony* exhibited at ***Ex. PW4/A*** show that the total amount incurred on expenses was *Rs. 22,715/-* as supported by the testimony of ***PW-4.*** As regards, the expenditure incurred at *Kota Hospital*, ***PW-2*** was cross examined by the Insurance Company and he stated that the total medical bill amounted to a sum of *Rs. 2,24,020/-* and after discount, the claimant paid *Rs. 1,85,000/-* as can be inferred from the various medical receipts and documents exhibited at ***Ex.PW2/A (Colly).*** Therefore, in view of these evidences the award of

Rs. 18,40,500/- towards medical expenses by the Tribunal does not warrant interference.

27. Considering that he was a student, though, he was stated to be earning Rs. 40,000/- p.a. from tuitions, his income was taken at that of minimum wages of a *matriculate* at *Rs. 6,448/-* per month, which is a correct assessment.

28. Considering that he was 17 years of age at the time of accident, the multiplier ought to be taken as 18, as per ***Pranay Sethi*** (*supra*).

29. Future prospects will be awarded at 40% as per ***Pranay Sethi*** (*supra*) and reduction for personal and living expenses would be taken at 50% of the income considering he was a bachelor, as considered by the Tribunal. Relevant paragraphs of the decision in ***Pranay Sethi*** (*supra*) are extracted hereunder for ease of reference:

> *"**37.** Before we proceed to analyse the principle for addition of future prospects, we think it seemly to clear the maze which is vividly reflectible from Sarla Verma [Sarla Verma v. DTC, (2009) 6 SCC 121 : (2009) 2 SCC (Civ) 770 : (2009) 2 SCC (Cri) 1002] , Reshma Kumari [Reshma Kumari v. Madan Mohan, (2013) 9 SCC 65 : (2013) 4 SCC (Civ) 191 : (2013) 3 SCC (Cri) 826] , 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] and Munna Lal Jain [Munna Lal Jain v. Vipin Kumar Sharma, (2015) 6 SCC 347 : (2015) 3 SCC (Civ) 315 : (2015) 4 SCC (Cri) 195] . Three aspects need to be clarified. The first one pertains to deduction towards personal and living expenses. In paras 30, 31 and 32, Sarla Verma lays down :*
>
> > *"30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra [UP SRTC v. Trilok Chandra, (1996) 4 SCC 362], the general practice is to apply standardised deductions.*

Having considered several subsequent decisions of this Court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (¼th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six.

31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father.

32. Thus even if the deceased is survived by parents and siblings, only the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third."

…

***40.** The conclusions that have been summed up in Reshma Kumari [Reshma Kumari v. Madan Mohan, (2013) 9 SCC*

65 : (2013) 4 SCC (Civ) 191 : (2013) 3 SCC (Cri) 826] are as follows : (SCC p. 91, para 43)

…

43.6. Insofar as deduction for personal and living expenses is concerned, it is directed that the Tribunals shall ordinarily follow the standards prescribed in paras 30, 31 and 32 of the judgment in Sarla Verma, subject to the observations made by us in para 41 above.

***41.** On a perusal of the analysis made in Sarla Verma, which has been reconsidered in Reshma Kumari, we think it appropriate to state that as far as the guidance provided for appropriate deduction for personal and living expenses is concerned, the tribunals and courts should be guided by Conclusion 43.6 of Reshma Kumari. We concur with the same as we have no hesitation in approving the method provided therein."*

(emphasis added)

30. Revised compensation, therefore, is as under:

S. No.	Heads of compensation	Awarded by the Tribunal	Awarded by this Court
1	Annual Income of deceased (A)	Rs. 77,376/- (Rs. 6,448/- x 12)	Rs. 77,376/- Rs. 6,448/- x 12)
2	Add: Future Prospects (B)	Rs. 23,213/-	Rs. 30,950/-
3	Less: Personal expenses of deceased (C)	Rs. 50,295/-	Rs. 54,163/-
4	Loss of dependency [(A +B)-C = D]	Rs. 50,295/-	Rs. 54,163/-
5	Multiplier (E)	15	18
6	Total loss of dependency (DxE = F)	Rs. 7,54,500 (Rs. 7,54,425/- rounded off)	Rs. 9,74,937/-
7	Medical expenses (G)	Rs.18,40,500/-	Rs.18,40,500/-
8	Compensation for loss of consortium (H)	-	Rs. 40,000/-
9	Compensation for loss of love and affection (I)	Rs. 25,000/-	-
10	Compensation for loss of estate (J)	Rs. 10,000/-	Rs. 15,000/-

11	Compensation towards funeral expenses (K)	Rs. 25,000/-	Rs. 15,000/-
12	Total compensation (F+G+H+I+J+K = L)	Rs. 26,55,000/-	Rs. 28,85,500/- (Rs. 28,85,437/- rounded off)
13	Rate of Interest Awarded	9%	9%
14	Enhanced Compensation	**Rs. 2,30,500/-**	

Conclusion

31. This Court *vide* order dated 2nd September 2013 stayed the execution of impugned award subject to deposit of entire awarded amount along with up-to-date interest accrued thereon with the Registrar General of this Court within a period of five weeks. Further, the Court directed a release of the entire amount except *Rs. 7,54,500/-* in favour of the claimant as per the terms and conditions fixed by the Tribunal. Balance amount shall also released as per these terms and conditions.

32. Enhanced compensation alongwith *9%* interest per annum from the date of filing the petition will be deposited before the Registrar General within a period of four weeks and shall be disbursed as per the terms and conditions fixed by the Tribunal.

33. Accordingly, appeals are disposed of.

34. Pending applications are rendered infructuous.

35. Statutory deposit, if any, be refunded to the Insurance Company.

36. Copy of this judgment be sent to the Tribunal and concerned Bank.

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

(ANISH DAYAL)
JUDGE

APRIL 1, 2026/RK/*sp*