



2026:DHC:1266



§~33 & 34

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

% *Date of decision: 3rd February 2026*

Date of uploading : 13th February 2026

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+ **MAC.APP. 196/2025, CM APPL. 17513/2025 & CM APPL. 49482/2025**

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+ **MAC.APP. 197/2025 & CM APPL. 17577/2025**

ORIENTAL INSURANCE CO LTDAppellant

Through: Mr. R K Tripathi, Adv.

versus

VISHNUDEV SAH & ORS.Respondents

Through: Mr. Pankaj Gupta, Ms Priyanka S. Aneja & Ms Amita, Mr. Aakash Singh, Mr. Vikas Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J: (ORAL)

1. The above captioned appeals have been filed challenging impugned judgements dated 9th January 2025 and 10th January 2025 passed by Motor Accidents Claims Tribunal [*MACT*], (West), Tis Hazari Courts, Delhi in 221/2021 and 223/2021, respectively, whereby Rs.8,67,000 was awarded at an interest of 7% p.a.

2. Briefly, the facts are that on 18.05.2019, respondent nos. 1 and 2 (hereinafter, '*claimants*') were travelling from *Gurugram* to *Madhubani*,



Bihar in a bus bearing registration no. *UP-83-BT-4106* driven by respondent no.3/driver at very high speed. While driving the bus, respondent no.3/driver hit one tractor trolley loaded with watermelons from behind at about 4:30 a.m. when it was travelling in area of *Ganj Muradabad* on *Agra-Lucknow Expressway* at *Bhangarmau, District Unnao, UP*. Upon losing control, the bus turned turtle at the spot of incident resulting in severe injuries to the passengers travelling in it. After the incident, all injured were shifted to Government Hospital, Unnao, where *Master Manish* (in *MAC.APP. 196/2025*) and *Master Nitesh* (in *MAC.APP. 197/2025*) (hereinafter, ‘*deceased*’) expired during the treatment. *Master Manish* was aged about 12 years and *Master Nitesh* was aged about 14 years and both of them were students at the time of incident.

3. In their appeal, appellant/Insurance Company has relied upon *Meena Devi v. Nunu Chand Mahto Alias Nemchand Mahto & Ors.* (2023) 1 SCC 204 and *Kurvan Ansari v. Shyam Kishore Murmu* (2022) 1 SCC 317 to state that that the awarded amount of Rs.8,67,000/- is on the higher side and in terms of the judgments relied upon, the amount should be about Rs.5,00,000/-.

4. Further, as recorded by this Court on 27th January 2026, where this Court recorded the submissions regarding application of multiplier of ‘15’ as awarded by MACT for the deceased who were below 15 years of age at the time of their death, which was objected to by counsel for claimants stating that this issue has been squarely covered by recent judgments of this Court. Further, minimum wages of an unskilled worker should have been taken as benchmark income by the MACT.

5. It is imperative to deal with the contentions raised by the



appellant/Insurance Company. As regards the reliance placed on *Meena Devi (supra)*, the Courts while assessing compensation awarded to a minor had ultimately concluded that ‘*just compensation*’ should be awarded, even if that means modifying the amount claimed for in the claim petition. Compensation was enhanced to Rs. 5,00,000/- in respect of facts and circumstances of that case. Moreover, the Courts in *Kurvan Ansari (supra)* increased the notional income fixed at Rs. 15,000 p.a. by the Tribunal for non-earning members to Rs. 25,000. However, the adoption of notional income for deceased below 15 years, who were non-earning members has been discussed in a catena of judgments following the decision of Supreme Court in *Kajal vs. Jagdish Chand & Ors.* (2020) 4 SCC 413 where benchmark income of an injured child was taken to be that of minimum wages earned by a skilled worker.

6. As regards the issue of multiplier for victims below the age of 15 years of age, factor of ‘18’ has been adopted by the Coordinate Bench of this Court in *National Insurance Co. Ltd. v. Sanju & Ors.* in *MAC.APP.30/2025* and other connected appeals [*MAC.APP.39/2025, MAC.APP.40/2025, MAC.APP.751/2025 and MAC.APP.80/2025*] where earlier decisions of *Kajal v. Jagdish Chand* (2020) 4 SCC 413, *Master Ayush v. Branch Manager, Reliance General Insurance Co. Ltd.* (2022) 7 SCC 738, *Baby Sakshi Greola v. Manzoor Ahmad Simon* 2024 SCC OnLine SC 3692, *Karuna Parmar v. Prakash Sinha* 2025 INSC 1244 have been referred and assessed in detail.

7. Further, reliance has been placed upon decisions by this Court in *National Insurance Co. Ltd. v. Pooja* 2025 SCC OnLine Del 1044, *Rakesh Sharma v. Ashok* 2025 SCC OnLine Del 1364 and *Cholamandalam MS*



General Insurance Co. Ltd. v. Bhupan Paswan 2025 SCC OnLine Del 1045, wherein a multiplier of 18 was adopted after considering the decisions of the Supreme Court.

8. The relevant observations made by this Court in ***Sanju*** (*supra*) are extracted as under:

“26. In my view, the argument, at least before this Court, is foreclosed by the judgments in Pooja, Rakesh Sharma, and Bhupan Paswan, where the multiplier 18 has been adopted after considering the judgments in Sarla Verma, Kajal, Master Ayush, and Sakshi Greola. The discussion on this aspect in Bhupan Paswan reads as follows:

“31. The learned Tribunal has computed the compensation by applying a multiplier of 15, by considering the age of the deceased.

32. The calculation of Multiplier has been laid down in the case of Sarla Varma (Supra) as under:-

“21. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.”

33. Evidently, the Judgment is silent on the multiplier to be used for the victims under 15 years of age. This incongruity in the matter of selection of multiplier in the case of persons in the age group up to 15 years was noted in by the Apex the case of Divya vs. National Insurance Company Ltd., Civil Appeal No. 7605/2022.

34. In the most recent judgment of the Supreme Court in Baby Sakshi Greola vs. Manzoor Ahmad Simon & Anr., SLP (C) No. 10996/2018, while referring to the judgments of



Kajal (supra) and Master Ayush (supra), the Apex Court has applied the multiplier of 18 for a minor.

35. Thus, in light of the above judgments, this Court deems it appropriate to ascertain the Multiplier as '18' to calculate the loss of dependency is calculated accordingly."

As noted above, the Supreme Court declined special leave to appeal against this judgment.

27. Having regard to the binding judgment of the Coordinate Bench, which considers Sarla Verma, I am of the view that the applicable multiplier in such cases would be 18."

(emphasis added)

9. As regards the issue of minimum wages of an unskilled worker to be taken as benchmark income, this Court in **Sanju (supra)** by giving a detailed reasoning, held as under:

"21... I am of the view that, even in the case of a fatal accident involving a minor child, the notional income for the purposes of loss of dependency would be computed on the basis of minimum wages of a skilled worker in the concerned State."

10. Taking a similar view, this Court in **Tata AIG General Insurance Company v. Mukesh Kumar & Ors.** MAC.APP. 560/2025, while dealing with an appeal filed by the Insurance Company on the ground that the Tribunal while assessing loss of dependency in case of death of a minor child had erred by taking the multiplier of 18, instead of 15, and that income of the deceased should either be determined on the basis of notional income or that of an unskilled worker, dismissed the said appeal and held as under:

"22.6 Analysing all these decisions, this Court in Sanju (supra) held the view, as extracted above in paragraph 14, that the applicable multiplier would be 18 and that minimum wages of a skilled worker of the concerned State would be applicable."



23. *In view of the above discussion, contention of appellant cannot be accepted.*”

(emphasis added)

11. Considering that the deceased were residents of Haryana, the minimum wages of a skilled worker in Haryana as per notification dated 01st January, 2019 issued by Labour Department, Haryana would have been **Rs. 10,219** per month.

12. Further, as enunciated by the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi* (2017) 16 SCC 680 followed in *Magma General Insurance Co. Ltd. v. Nanu Ram* (2018) 18 SCC 130 , *future prospects* should be awarded at 40%, *loss of estate* should be Rs.15,000/-, *funeral expenses* at Rs.15,000/- and *loss of consortium* should be Rs.40,000/- + Rs.40,000/- since there were two parents. Personal expenses should be deducted @ 50% in light of the decision of *Sarla Verma (Smt) & Ors. vs. Delhi Transport Corporation & Anr.* (2009) 6 SCC 121 and *United India Insurance Co. Ltd. vs. Satinder Kaur alias Satwinder Kaur & Ors.* (2021) 11 SCC 780, which held that 50% has to be deducted on account of personal and living expenses for a bachelor.

13. In light of above discussion, both these appeals stand dismissed and revised computation is as under:

S. No.	Heads	Awarded by the Tribunal	Awarded by this Court
1	Income of deceased (A)	Rs.43,450/- (notional income)	Rs. 10,219/- (monthly)
2	Add Future Prospects (B) @ 40%	-	Rs. 4,088/-
3	Less Personal expenses of the deceased (C)	1/3rd	Rs. 7,153.5/-



4	Monthly loss of dependency [(A +B)-C = D]	-	Rs. 7153.5/-
5	Annual loss of dependency (Dx12)	-	Rs. 85,842/-
6	Multiplier (E)	15	18
7	Total loss of dependency (Dx12xE = F)	-	Rs. 15,45,156/-
8	Medical expenses (G)	Nil	Nil
9	Compensation for loss of consortium (H) (40,000x2)	-	Rs. 80,000/-
10	Compensation for loss of love and affection (I)	Nil	Nil
11	Compensation for loss of estate (J)	Rs. 4,33,500/-	Rs. 15,000/-
12	Compensation towards funeral expenses (K)	-	Rs. 15,000/-
13	Total compensation (F+G+H+I+J+K = L)	Rs.8,67,000/- (Rs. 4,33,500 + Rs. 4,33,500)	Rs. 16,55,156/-
14	Rate of Interest Awarded	7%	7%

14. Therefore, in view of the above, compensation awarded to deceased is enhanced to *Rs. 16,55,156/-* in both of these appeals.

15. Compensation awarded by the MACT, along with the enhanced compensation amount be deposited by the Insurance Company, if not already deposited, along with accrued interest, within a period of four weeks from today before the MACT. The said amount shall be disbursed upon verification as per directions given by the MACT in the impugned award and further directions to be given by the MACT for disbursement of enhanced amount.

16. Copy of this judgment be sent to the concerned MACT.

17. List before the MACT on 16th March, 2026

18. Statutory deposit be refunded to the appellant/Insurance Company.



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19. Therefore, in view of the above directions, both these appeals stand dismissed.
20. Pending applications, if any, are rendered infructuous.
21. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 3, 2026/sm/sp