



2026:DHC:122



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

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Date of decision: 07th January 2026+ **MAC.APP. 8/2026, CM APPL. 764/2026 & CM APPL. 765/2026.**

THE NEW INDIA ASSURANCE CO. LTDAppellant

Through: Mr. Dharmendra Sharam, Adv with
Mr. Bhupender and Ms. Bhawna
Sharma, Advocates.

versus

PRATIMA KUMARI AND ORS.Respondent

Through: Mr. Pankaj G, Advocate for
respondent nos.1-6.**CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J: (ORAL)**

1. This appeal has been filed assailing the impugned order/judgment titled as "*Pratima Kumari & Ors. v. Anuj Bhandana & Ors*" dated 10th October 2025 (hereinafter '*impugned award*') passed by PO-MACT (East) Karkardooma Courts, Delhi (hereinafter, '*Tribunal*').
2. By the impugned award, the Tribunal has awarded Rs.38,62,000/-, along with interest at the rate of 7.5% per annum, to the respondent nos. 1 to 6/claimants arising out of a road accident which took place on 13.06.2022.
3. The facts, as noted in the impugned award, are that the deceased/*Vimal Kumar* along with Manish Kumar was returning from



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Village *Shah Alampur* on motorcycle bearing Registration No. UP-168N-7563 and while passing village *Ikla* through Eastern Peripheral Highway, the offending vehicle/Truck bearing No. UP-I6ET-3338 came from wrong side at a very high speed and hit the motorcycle, resulting in injuries to the both riders. Deceased/*Vimal Kumar* died on the spot and Manish Kumar expired during treatment on 15.06.2022. It was alleged that the accident took place due to rash and negligent driving of offending vehicle, which was insured under the policy of Appellant.

4. The claim was instituted by respondent nos. 1 to 6 herein, being the wife, son, two daughters, mother and father of deceased/*Vimal Kumar*.

5. Tribunal framed *two issues* regarding, rash and negligent driving of offending vehicle and the quantum of compensation. With regards to the *first issue*, the Tribunal returned a finding that accident had occurred due to rash and negligent driving of the offending vehicle by the driver and awarded a sum of Rs.38,62,000/- in favour of claimants apportioned in the following manner:

Sl. No	Name of the Petitioner	Age (Present Age)	Relation with Deceased	Share in the Award Amount
1	Smt. Pratima Kumari	30 years	Wife	Rs.17,62,000/-along with the interest on entire award amount.
2	Aryan	8 years	Son	Rs.4 lakhs along with the corresponding interest
3.	Divya	7 years	Daughter	Rs.4 lakhs along with the corresponding interest
4.	Sooryan	9 years	Son	Rs.4 lakhs along with the
				corresponding interest
5.	Lalvati	51 years	Mother	Rs.5 lakhs along with the corresponding interest
6.	Nem Singh	61 years	Father	Rs.4 lakhs along with the corresponding interest



6. The limited ground asserted by the appellant's counsel is that despite noting that deceased/*Vimal Kumar* was a resident of Uttar Pradesh (UP) as per his Aadhar Card, the Tribunal applied minimum wages of Delhi.

7. For this, he relies upon paragraph 31 of impugned award where it is noted that the deceased/*Vimal Kumar* was a resident of *Kasganj, UP* as per his Aadhar Card and the minimum wages to be applied on the date of accident *i.e.* 13th June, 2022 are Rs. 16,506/- per month.

8. For ease of reference, para 31 is extracted as under:

31. PW2 (petitioner No.1) is wife of the deceased and one of the claimants. Deceased was aged about 28 years 5 months and

12 days at the time of accident as per her aadhar card Ex.PW2/2, which shows his date of birth as 01.01.1994. She deposed that deceased was working as a Clerk/Munim with Yash Pal Subhash Chander, A-361, New Subzi Mandi, Azadpur, Delhi and was getting salary Rs.20,000/- per month besides commission and that he was sole bread earner of the family. She was given suggestion by Ld. Counsel for R3 that deceased was not earning Rs.20,000/- per month. PW1 has not filed on record any income and occupation proof of deceased. No bank account statement of the deceased is filed either. Petitioners have not filed educational documents of the deceased. There is nothing in the claim petition and affidavit Ex.PW1/A to suggest that deceased was working in Delhi. From testimony of PW2, it comes to fore that the entire family is resident of Kasganj, U.P. The aadhar card of the deceased also shows him to be a resident of Kasganj, U.P. Hence, his income has to be considered, being a resident of U.P., as per the minimum wages applicable to a unskilled worker on the date of accident *i.e.* 13.06.2022. Hence, his income is considered to be **Rs.16,506/-** per month.

9. Counsel for appellant says that minimum wages of UP ought to have



been applied, which is Rs. 9,530/-.

10. Counsel for respondent/claimants who appears on advance notice however, points out that paragraph 31, as extracted above, clearly records the statement of the wife that deceased was working as a Clerk/*Munim* with *Yash Pal Subhash Chander, A-361 New Sabzi Mandi, Azadpur, Delhi* and was earning salary of Rs. 20,000/- per month besides commission and was the sole bread earner of family.

11. Since PW-2/ wife of deceased has not filed on record any income/occupation proof of deceased, neither bank account nor educational documents, the minimum wage applicable has been considered.

12. The Court has perused the deposition of *Smt. Pratima Kumari*/wife of deceased who stated in her cross-examination as under:

“My husband was working as Munim in Azadpur Sabzi Mandi and was getting salary of Rs. 20,000/- per month. It is correct that I have not any income proof nor any document relating to the employment of my deceased husband. It is wrong to suggest that my husband was not working as a Munim in Azadpur Sabzi Mandi and was not getting salary of Rs. 20,000/- per month”.

13. There is no other cross-examination in this respect. Considering the evidence on record, Tribunal rightly applied the minimum wages applicable in Delhi. The appellant's contention that since the deceased was a resident of UP as per his Aadhar Card is of UP, the minimum wages of UP ought to be applied is illogical, untenable and unacceptable.

14. It is common knowledge that thousands of workers who are residents outside Delhi find their avocation and employment in Delhi and are therefore, entitled to minimum wages given in the jurisdiction of Delhi, and



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not the minimum wages where their original residence may be.

15. Reliance in this regard may be placed on judgments of this Court in *United India Insurance Co. Ltd. v. Badal*, 2025:DHC:11100 and *The New India Assurance Co. Ltd. v. Bindu Devi & Ors.*, 2025:DHC:10153

16. The wife of deceased stood by her testimony even in the cross-examination and her testimony could not be displaced. In fact, considering that no documents had been filed supporting his income, the minimum wages were duly applied.

17. The Court does not find any infirmity in the minimum wages of Delhi being applied. It cannot be a presumption that a person who is originally a resident of UP or any other state outside Delhi, with an Aadhar card registered for that address, should be considered for minimum wages applicable in that State or region and not the place of his actual work.

18. The appeal stands dismissed accordingly. Pending applications, if any, are also rendered infructuous.

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

ANISH DAYAL, J

JANUARY 7, 2026/RK/sp