



2026:DHC:4204



§~4

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

%

*Date of decision: 12<sup>th</sup> May 2026*+ **MAC.APP. 278/2013**

GEETA HARBOLA &amp; ORS.

.....Appellants

Through: Mr. Tarkeshwar Nath, Mr. Anant  
Dev and Mr. Harshit Dev, Advs.

versus

INDERJIT SINGH &amp; ORS.

.....Respondents

Through: Ms. Suman Bagga & Ms. Mouli  
Sharma, Advs. for Insurance Co.**CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J (ORAL)**

1. This appeal has been filed assailing Award dated 27<sup>th</sup> November 2012, passed by Motor Accident Claims Tribunal [*MACT*], South District, Saket Courts, New Delhi, in Suit no.226/2010, seeking enhancement of compensation awarded at *Rs.23,35,976/-* along with interest @ 7.5% per annum.

2. The brief facts of the case are that the accident occurred on 15<sup>th</sup> February 2010, when the deceased stepped on the foot board of bus bearing registration number DL-1PA-7630 at the bus stop in front of *Hyatt Hotel, RK Puram*. The bus driver due to negligence put the bus in motion, resulting in the deceased to slip and sustain crush injuries under the rear wheels of the bus. The deceased ultimately succumbed to his injuries. FIR no. 42/10 was registered at PS RK Puram.



3. *Mr. Tarkeshwar Nath*, counsel for claimants, seeks enhancement on the following counts :

- (i) That the income of the deceased was considered at Rs.33,750/- instead of Rs.37,000/-;
- (ii) That the multiplier ought to have been considered as '11' since the deceased was 55 years on the date of the accident;
- (iii) That *future Prospects* were not granted in terms of the principles enunciated in *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680;
- (iv) That *loss of consortium*, and *loss of estate* were also not granted in accordance with the principles enunciated in *Pranay Sethi (supra)*.

4. *Ms. Suman Bagga*, counsel for Insurance Company, has pointed out that as regards the income, the Tribunal had considered all the documents, including the statement of **PW2**, *Dr. Satish Chandra Pal*, Manager (Administration and Accounts) of NLR, the employer of the deceased. In the cross-examination, **PW2** states that "*it is correct that the salary along with all benefits i.e. DA, HRA, TA were 33,750/-*".

5. *Mr. Tarkeshwar Nath*, on the contrary, has relied upon the salary certificate dated 6<sup>th</sup> April 2010, which mentions the salary of Rs.37,000/- as a grand total. To this, *Ms. Bagga* has contended that since the accident had occurred in February 2010, the salary certificate of 6<sup>th</sup> April 2010 cannot be considered as valid or applicable.

6. The MACT has made an assessment of the notional income in *paragraph nos. 10 and 11* of the impugned award. Having perused the



same, the Court finds it consistent and tenable.

7. As regards other components, same have to be aligned with principles enunciated in *Pranay Sethi (supra)* in that:

- a. *Future Prospects* are granted at 10%, considering that deceased was 55 years old at the time of accident.
- b. Multiplier of '11' is taken as opposed to multiplier of '9' taken by the Tribunal.
- c. *Loss of consortium* would be enhanced to Rs. 1,20,000/- by granting Rs.40,000/- each to the three dependents;
- d. *Loss of love and affection* will be deleted in view of *United India Insurance Co. Ltd. v. Satinder Kaur*, (2021) 11 SCC 780; and
- e. *Funeral expenses* shall subsist at Rs.15,000/-;
- f. *Loss of estate* will additionally be granted at Rs.15,000/-.

8. The revised compensation is as under:

S.no.	Heads of Compensation	Awarded by the Tribunal	Awarded by this Court
1.	Loss of income per month (A)	Rs. 32,870/-	Rs. 32,870/-
2	Annual Income (A x 12 = B) less tax	Rs. 3,80,996/- (Rs. 3,94,440- Rs. 13,444/-)	Rs. 3,80,996/- (Rs. 3,94,440- Rs. 13,444/-)
3.	Future Prospects @10% (C)	Nil	Rs. 38,100/-
4.	Less Personal expenses of the deceased (D) 1/3 <sup>rd</sup>	Rs. 1,26,999/-	Rs. 1,39,699/-
5.	Annual loss of dependency (B+C-D=E)	Rs. 2,53,997/-	Rs. 2,79,397/-
6.	Multiplier (F)	9	11
7.	Total loss of dependency (E x F = G)	Rs. 22,85,976/-	Rs. 30,73,367/-
8.	Medical expenses (H)	Nil	Nil
9.	Compensation for loss of consortium	Rs. 10,000/-	Rs. 1,20,000/-



	(I)		
10.	Compensation for loss of love and affection (J)	Rs. 25,000/-	Nil
11.	Compensation for loss of estate (K)	Nil	Rs. 15,000/-
12.	Compensation towards funeral expenses (L)	Rs.15,000/-	Rs. 15,000/-
13.	Total compensation (G+H+I+J+K+L = M)	Rs. 23,35,976/-	Rs. 32,23,367/-
14.	Rate of Interest Awarded	7.5%	7.5%

9. Accordingly, the compensation is enhanced by *Rs. 8,87,391/-*.

10. The enhanced amount of compensation along with accrued interest @7.5% shall be deposited by the Insurance Company before the MACT, within a period of six weeks.

11. Considering that the present matter pertains to appeal filed in 2013 with the accident having occurred in 2010, the enhanced compensation along with accrued interest @7.5% be released as a lumpsum payment to the claimants as per the apportionment directed by the MACT in *paragraph no. 18* of the impugned Award, within two weeks thereafter.

12. Appeal is disposed of in above terms. Pending applications, if any, are rendered infructuous.

13. A copy of this judgment be sent to the concerned Bank for information and compliance.

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

**(ANISH DAYAL)**  
**JUDGE**

**MAY 12, 2026/sm/zb**