



2026:DHC:4482



\$~27 & 28

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

% ***Date of decision: 19th May 2026***

+ **MAC.APP. 475/2025 & CM APPL. 46390/2025**

ICICI LOMBARD GENERAL INSURANCE CO. LTD.....Appellant

Through: Mr. Ved Vyas Tripathi, Advocate.

versus

NEELAM AND ORSRespondents

Through: Mr. Pankaj Gupta, Advocate for R1 & R2(through VC).

(28)

+ **MAC.APP. 209/2026**

NEELAM AND ANRAppellants

Through: Mr. Pankaj Gupta, Advocate (through VC).

versus

NABAB ALI AND ORS (ICICI LOMBARD GENERAL INSURANCE CO LTD)Respondents

Through: Mr. Ved Vyas Tripathi, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. These cross-appeals have been filed challenging the impugned award dated 4th April 2025, passed by the Motor Accident Claims Tribunal, East District, Karkardooma Courts, Delhi (*MACT*) in MACP No.529/2023, awarding compensation of Rs.23,03,490/- along with interest @ 7.5% per



2026:DHC:4482



annum. While MAC.APP. 475/2025 has been filed by the Insurance Company seeking reduction of compensation, MAC.APP. 209/2026 has been filed by the claimants seeking enhancement of compensation.

2. The accident occurred on 13th July 2023 at about 03:15 a.m., when deceased was bringing *Holy Kavar* towards his home in Delhi on foot. When he reached in front of *Jhilmil Dhaba*, New Highway, a truck bearing registration No.UP-21CT-0427, driven at a high speed, rashly and negligently in a zig-zag manner, hit *Deepanshu (deceased)* from the backside with great force and caused fatal injuries.

3. The challenge in the petition relates to compensation in respect of the death of a minor child, who was 11 and a half years old at the time of the accident. The minimum wages of an unskilled worker applicable in Delhi were considered as the benchmark income, and a multiplier of 15 was applied.

4. In most judgments, including *National Insurance Company Ltd v. Sanju & Ors.* 2025:DHC:11781, *Tata AIG General Insurance Company v. Mukesh Kumar and Ors.* 2026:DHC:756, which have been comprehensively considered by this Court in *Rubi Devi and Anr. v. The New India Assurance Com. Ltd. And Ors.* 2026:DHC:3674, it has been held that the multiplier ought to be '18' and the minimum wages of a skilled worker ought to be considered. Relevant paragraphs are extracted as under:

“On notional income of a minor

10. As regards determination of benchmark income, this Court in Sanju (supra), after examining the decision in Kajal (supra) and the subsequent judgments that followed and relied upon it, concluded that the notional income in cases concerning fatal accidents of minor children cannot be treated as a fixed or static figure. Instead, the appropriate way to assess the income is on the basis of the minimum



wages payable to a skilled worker in the concerned State.
The relevant observations of the Court are reproduced below:

“10. The first of these cases was Kajal v. Jagdish Chand, which was a case of injury inflicted upon a child of 12 years of age. The Court computed loss of future income on the basis of minimum wages of a skilled worker, reasoning as follows:

“20. Both the courts below have held that since the girl was a young child of 12 years only notional income of Rs 15,000 p.a. can be taken into consideration. We do not think this is a proper way of assessing the future loss of income. This young girl after studying could have worked and would have earned much more than Rs 15,000 p.a. Each case has to be decided on its own evidence but taking notional income to be Rs 15,000 p.a. is not at all justified. The appellant has placed before us material to show that the minimum wages payable to a skilled workman is Rs 4846 per month. In our opinion, this would be the minimum amount which she would have earned on becoming a major. Adding 40% for the future prospects, it works to be Rs 6784.40 per month i.e. 81,412.80 p.a. Applying the multiplier of 18, it works out to Rs 14,65,430.40, which is rounded off to Rs 14,66,000.”

11. The judgment in Kajal was followed in Master Ayush v. Branch Manager, Reliance General Insurance Co. Ltd., Minor Roopa v. The Divisional Manager, New India Assurance Company Ltd., and Baby Sakshi Greola v. Manzoor Ahmad Simon, which were all also cases where minor victims had suffered debilitating injuries.

12. This line of judgments has recently been reiterated in Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari, which was once again an injury case. The Supreme Court held therein as follows:

“9. On the aspect of monthly income of the minor



*appellant, we are inclined to interfere with the judgment and order of the Courts below. In the present case, it is evident that the Courts below have failed to take into account the monthly income of the appellant while determining the quantum of compensation. It is now a well-entrenched and consistently reiterated principle of law that a minor child who suffers death or permanent disability in a motor vehicle accident, cannot be placed in the same category as a non-earning individual for the purposes of assessing the amount of compensation because the child was not engaged in gainful employment at the time of the accident. In such a case, the computation of compensation under the head of loss of income ought to be made by adopting, at the very least, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises. The said observation was rendered by this Court, in *Kajal v. Jagdish Chand and Ors.*, and *Baby Sakshi Greola v. Manzoor Ahmad Simon and Anr**

15. For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matric of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court's interference, applying well-established principles of law."

On applicable multiplier for a minor

*11. As regards the issue of multiplier, this Court in *Sanju (supra)* assessed a line of judgments including *Kajal (supra)*, *Master Ayush (supra)* *Baby Sakshi Greola v. Manzoor Ahmad Simon* 2024 SCC OnLine SC 3692, and *Karuna Parmar v. Prakash Sinha* 2025 INSC 1244, which were*



referred and assessed in detail.

12. *Further, reliance was placed in Sanju (supra) 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.*

13. *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.

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.

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."

14. Taking a similar view, this Court in Tata AIG General Insurance Company v Mukesh Kumar and Ors. 2026:DHC:756, 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 appellants cannot be accepted."



(emphasis added)

15. Reliance placed by the counsel for the Insurance Company on Thangavel and Ors. (*supra*) is misplaced, as the Supreme Court has categorically opined in paragraph 6 that the multiplier of 15 was adopted considering the age of the mother of the deceased minor was who 36 years at the time of the accident. The relevant paragraph is extracted as under:

“6. We are of the opinion that the monthly income of Rs.5,000/- as adopted for the child by the Tribunal is perfectly in order. There is no question of any deduction for personal expenses and hence even if the multiplier adopted is 15, considering the mother’s age of 36, the total compensation for loss of dependency would be Rs.7,50,000/-, Rs.30,000 more than that awarded by the Tribunal.....”

(emphasis added)

16. The Supreme Court in the case of Reshma Kumari v. Madan Mohan (2013) 9 SCC 65, held that the multiplier is to be used with reference to the age of the deceased. The Constitution Bench in National Insurance Company Ltd. vs. Pranay Sethi & Ors. (2017) 16 SCC 680 affirmed the view taken in Smt. Sarla Verma & Ors v. Delhi Transport Corporation & Anr. (2009) 5 SCC 121 and Reshma Kumari (*supra*), and recorded in the conclusions as under:

“59.7. The age of the deceased should be the basis for applying the multiplier.”

17. Therefore, multiplier of 15 adopted in Thangavel and Ors. (*supra*) is as per age of mother of the deceased and not that of the deceased.

18. As regards the argument raised by Mr. Paul, counsel for Insurance Company, that different multipliers ought to be applied in cases of death and injury, relying upon the judgment of Supreme Court in Devendra Kumar Tripathi (*supra*), this Court notes that post Kajal (*supra*), the Supreme Court has taken a consistent view regarding the multiplier to be applied in cases involving persons below 15 years of age.

19. Furthermore, this Court has consistently taken the view in multiple case including Jamaluddin (*supra*), Reena



Raghav (supra), Pooja (supra), Sanju (supra), and Mukesh (supra), that a multiplier of 18 ought to be applied in cases involving the death of a child below 15 years of age.”

...
32. Therefore, in light of the above decisions, the minimum wages of a skilled worker in Uttar Pradesh ought to be taken as benchmark income, as the deceased was resident of Ghaziabad, Uttar Pradesh. At the time of accident minimum wages of a skilled worker in Uttar Pradesh were Rs. 7,085/- per month; the same shall have to be accounted for. Multiplier of 18, instead of 10, shall be considered.

(emphasis added)

5. The minimum wages of a skilled worker on the date of the accident were Rs. 20,903/-, which, along with future prospects at 40%, application of a multiplier of 18, and deduction of one-half towards personal expenses, would amount to Rs. 31,60,533/-.

6. The rest of the compensation towards loss of consortium will be Rs.96,000/-, funeral expenses will be Rs.18,000/- and loss of estate will be Rs.18,000/-. The total compensation will amount to Rs.32,92,533/- along with interest at the rate of 7.5% per annum.

7. Compensation is re-computed as under:

Sr. No.	Heads	Awarded by the Tribunal	Awarded by the Court
1.	Monthly income of the deceased (A)	Rs. 17,234/-	Rs. 20,903/-
2.	Add-Future Prospects (B)	40%	40% of Rs. 20,903 = Rs. 8,361.20/-
3.	Less-personal expenses of the deceased (C)	Rs. 12,038/-	1/2 of Rs. 29,264.20/- = Rs. 14,632.10/-
4.	Annual loss of dependency [(A+B) - C] x 12= D]	Rs. 1,44,456	Rs. 1,75,585.20/-



2026:DHC:4482



5.	Multiplier (E)	15	18
6.	Total loss of dependency (D x E) = (F)	21,71,490/-	Rs. 31,60,533.60 (rounded to Rs. 31,60,534/-)
7.	Compensation for loss of love and affection (G)	NIL	NIL
8.	Compensation for loss of consortium (H)	Rs. 96,000/-	Rs. 96,000/-
9.	Compensation for loss of estate (I)	Rs. 18,000/-	Rs. 18,000/-
10.	Compensation towards funeral expenses (J)	Rs. 18,000/-	Rs. 18,000/-
11.	Total Compensation (F+G+H+I+J = K)	Rs. 23,03,490/-	Rs. 32,92,534/-
12.	Interest Awarded	7.5% per annum	7.5% per annum
13.	Enhanced Compensation	Rs. 9,89,044/-	

8. By Order dated 25th August 2025, the Court had directed the appellant to deposit 75% of the awarded amount, subject to which the enforcement was stayed, and directed the release of the entire amount as per the directions of the MACT.

9. On 17th November 2025, the Court noted that the MACT has not passed any direction with respect to apportionment or formulated a scheme for disbursement, and accordingly, directed the Tribunal to do so. Further, the amount deposited before this Court was also directed to be transferred to the Motor Accident Claims Tribunal, East District, Karkardooma Courts, so that appropriate directions can be passed by the Tribunal.

10. Accordingly, the Insurance Company is directed to deposit the balance amount as per the revised compensation, along with accrued interest, before



2026:DHC:4482



the MACT within a period of six weeks, which shall be released as per the directions of MACT in the impugned award.

11. Enhanced amount, along with 7.5% interest per annum from the date of filing the petition, shall be deposited before MACT within a period of four weeks. It is directed that a lump sum amount of Rs. 2,00,000/- shall be released to the claimant from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts (**FDRs**) of Rs. 25,000/- each for periods of 3 months, 6 months, 9 months and so on, in succession as maybe calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of claimant. The amount of FDRs on maturity would be released to the Savings Bank Account of claimant upon due verification.

12. Accordingly, the appeals stand disposed of with above directions.

13. Pending applications, if any, are rendered infructuous.

14. Copy of this judgement be sent to concerned MACT.

15. Copy of this judgement shall also be sent to concerned bank.

16. Statutory deposit, if any, shall be refunded to Insurance Company, only if the order of deposit has been complied with.

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

(ANISH DAYAL)
JUDGE

May 19, 2026/ak/bp