



2026:DHC:4674



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

Date of decision: 20th May 2026

+ **MAC.APP. 930/2014 & CM APPL. 17069/2014**

RELIANCE GENERAL INSURANCE CO.LTDAppellant

Through: Mr. A.K. Soni, Advocate.

versus

PARVEEN& ORSRespondent

Through: Mr. Anjuman Tripathy and Ms
Amisha Chauhan, Advocates for
R-1.

Mr. Abinash Kumar Mishra and
Mr. Gaurav Kumar Pandey,
Advocates for R-3 and R-4.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

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ANISH DAYAL, J (ORAL)

1. This appeal has been filed by the Insurance Company [*appellant herein*], assailing Award dated 17th July 2014 [*“impugned award”*], passed by the Motor Accidents Claims Tribunal, Tis Hazari Courts [*‘MACT/Tribunal’*], in *Case No. 716/2014*, whereby compensation of Rs. 93,15,000/- along with 7.5% interest was awarded.

2. On 31st May 2012, at about 10:30 p.m., deceased *Kamaljeet*, along with his cousin brother, *Khushnasseb*, was travelling in a *Wagon-R* car bearing no. *UP-14-BH-0724*, and when they reached *Beri*, a *Tata 407* bearing no.*HR-46-C-1503* [*“offending vehicle”*], driven by respondent no. 2 and owned by respondent no. 3, crashed into the vehicle of the deceased, resulting in grievous injuries to *Kamaljeet*, to which he



2026:DHC:4674



subsequently succumbed.

3. *Mr. A.K. Soni*, counsel for the Insurance Company challenges the quantum on four principal counts:

3.1 **Firstly**, while calculating the benchmark income, no deduction on account of income tax was made by the Tribunal. Income tax as per records shows that it was taken at *Rs.25,440/ per annum*, which on a per month basis comes out to be, *Rs.2120/-*. Therefore, the benchmark income taken at *Rs. 45,000/-* per month in 2012 in the impugned award after deduction of income tax would be *Rs. 42,880/-* [*Rs. 45,000 - Rs.2120/-*].

3.2 **Secondly**, the deceased was 28 years of age on the date of the accident. The impugned award assessed the *future prospects* at **50%** [*particularly from paragraphs 27–34*], relying upon the judgment of the Supreme Court in *Rajesh & Ors. v. Rajbir Singh & Ors.* 2013 (6) Scale 563. It is an admitted position that the deceased was working as a “*Graphic Designer*” in *M/s Maestro Engineering Pvt. Ltd.* and testimony on behalf of the employer had been recorded as **RW-4,5/W-1/1**. Considering that the deceased was below 40 years of age and was in private employment, as per the principles enunciated in *National Insurance Company v. Pranay Sethi & Ors.* (2017) 16 SCC 680, *future prospects* are liable to be assessed at **40%**. It is further noted that the appeal is a continuation of the claim proceedings and, therefore, the principles laid down in *Pranay Sethi (supra)* would apply to all pending matters irrespective of the date of the impugned award. The Constitution Bench in *Pranay Sethi (supra)* standardized the computation of compensation, including *future prospects*, in order to ensure certainty,



2026:DHC:4674



consistency and uniformity in determining “*just compensation*” under *Section 168* of the Motor Vehicles Act, 1988. Accordingly, the assessment of *future prospects* at **50%** by the Tribunal is liable to be aligned with the principles laid down in *Pranay Sethi (supra)*, and the same is accordingly reduced to **40%**.

3.3 **Thirdly**, the issue of non-pecuniary compensation shall be realigned in terms of *United India Insurance Co. Ltd. v. Satinder Kaur* (2021) 11 SCC 780. Compensation towards ‘*loss of love and affection*’ shall stand deleted. As per *National Insurance Company v. Pranay Sethi & Ors. (supra)*, *funeral expenses and loss of estate* shall be Rs. 15,000/- each, and *loss of consortium*, which was not granted, shall be awarded at Rs. 40,000/- to each claimant, namely the *wife and parents* of deceased, making a total of *three* claimants. Accordingly, a total sum of Rs. 1,20,000/- shall be awarded toward *loss of consortium*.

3.4 **Fourthly**, Mr. A.K. Soni, counsel for Insurance Company, has also raised the issue of *contributory negligence*, considering it was a *head-on collision*. However, it is noted that an FIR had been registered and a charge-sheet had been filed, and insofar as the evidence of the claimants is concerned, there was no rebuttal either by appellant/Insurance Company or by the driver and owner. Accordingly, this Court does find no reason to intercede on the issue of negligence.

4. Accordingly, the compensation is re-computed as under:

S. NO.	HEADS	AWARDED BY THE TRIBUNAL	AWARDED BY THIS COURT
1	Income of deceased (A) (less Income Tax)	Rs.45,000/-	Rs. 42,880/-
2	Add Future Prospects (B) @ 50/40%	50%	40% [Rs.17152/-]



2026:DHC:4674



3	Less Personal expenses of the deceased (C)	1/3 rd	1/3 rd [Rs.20011/-]
4	Monthly loss of dependency [(A +B)-C = D]	Rs.45,000/-	Rs.40,021/-
5	Annual loss of dependency (Dx12)	Rs.5,40,000/-	Rs.4,80,252/-
6	Multiplier (E)	17	17
7	Total loss of dependency (Dx12xE = F)	Rs. 91,80,000/-	Rs.81,64,284/-
8	Medical expenses (G)	Nil	Nil
9	Compensation for loss of consortium (H)	Nil	Rs.1,20,000/-
10	Compensation for loss of love and affection (I)	Rs.1,00,000/-	Nil
11	Compensation for loss of estate (J)	Rs.10,000/-	Rs.15,000/-
12	Compensation towards funeral expenses (K)	Rs. 25,000/-	Rs.15,000/-
Total compensation (F+G+H+I+J+K = L)		Rs.93,15,000/-	Rs.83,14,284
Interest		7.5%	7.5%

5. Accordingly, the compensation is reduced by Rs.10,00,716/-.

6. By order dated 15th October 2014, this Court directed the appellant/Insurance Company to deposit the awarded amount before the Registrar General of this Court, Further, a direction was passed for release of 50% of the amount in terms of the impugned award. The amounts are lying deposited with *UCO Bank, Delhi High Court*.

7. The balance compensation, in terms of the revised computation, be released to the claimants as per the scheme stipulated in the impugned award, and the reduced amount be refunded to the Insurance Company, along with accrued interest.

8. The apportionment between respondent no.1/*wife* of deceased and respondent nos. 4 and 5/*parents* of deceased, shall be maintained in the ratio of 40:30:30, in terms of the directions passed by the MACT.



2026:DHC:4674



9. According, the appeal has been disposed of.
10. Pending applications (if any) are rendered infructuous.
11. Statutory deposit be refunded to appellant/Insurance Company, only if the order of deposit has been complied with.
12. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

MAY 20, 2026/RK/tk