



2026:DHC:3409



§~9

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 22nd April 2026***+ **MAC.APP. 302/2023**

NATIONAL INSURANCE COMPANY LIMITEDAppellant

Through: Mr. Zorawar Singh, Mr. Jayant
Rastogi and Mr. Sudhanshu,
Advocates.

versus

SH. KANHAIYA LAL & ORS.Respondents

Through: Mr. S.N. Parashar and Mr. Ritik
Singh, Advocates for R-1 to 5.**CORAM:**
HON'BLE MR. JUSTICE ANISH DAYAL**JUDGMENT****ANISH DAYAL, J (ORAL)**

1. This appeal has been filed by the Insurance Company challenging impugned award dated 6th February 2023 passed by Motor Accidents Claims Tribunal [*MACT*], West, Tis Hazari Courts in MACT case No.28/2021 whereby Rs. 30,58,138/- at an interest rate of 6% per annum was awarded to the respondents/claimants.

2. The accident took place on 9th February 2020 at about 5:30 pm, when Ms. Kamla (hereinafter, '*deceased*') alongwith her daughter was returning to her house from Tikri Kalan Extension, near Shamshan Ghat on foot. When they reached near Main Rohtak Road, Tikri Kalan, an Etios car bearing no. HR-51BS-3680 (hereinafter, '*offending vehicle*') being driven



2026:DHC:3409



at a high speed, in a rash and negligent manner hit the deceased and her daughter with great force, as a result of which they sustained grievous injuries. Deceased was taken to Sri Balaji Action Medical Institute, where she succumbed to her injuries during treatment on 2nd March 2020.

3. *Mr. Jayant Rastogi*, counsel for appellant/Insurance Company, has raised a challenge to the age of deceased having been wrongly assessed by the MACT. He contends that the compensation amount was calculated by taking the age of deceased as *38 years* as on date of accident, on the basis of Aadhar Card. In this regard, he has drawn attention to the Aadhar Card of deceased which shows her date of birth as 1st January 1983. He contends that on the date of accident, as per Aadhar card, she would have been 38 years of age, however, as per the Aadhar card of *Ms. Pushpa (eldest daughter of deceased deceased)*, whose date of birth is shown as 24th July 1992, Pushpa would have been *28 years* on 9th February 2020, the date of accident. It is therefore, contended that this would be completely inconsistent and would defy any assessment if the daughter was born when deceased was only 10 years of age.

4. To arrive at a proper age assessment of the deceased, *Mr. Jayant Rastogi*, counsel for appellant/Insurance Company, has drawn attention of this Court to evidence filed by way of affidavit by *Mr. Kanhaiya Lal (husband of deceased)* as per which he was *51 years* on the date of verification of affidavit *i.e.* 21st May 2022. Accordingly, his age on the date of accident would have been *49 years*. Moreover, as per *post-mortem* report dated 3rd March 2020, which has been appended along with this appeal, notes that the deceased was aged *48 years* on the date of accident.



5. In this view of the matter, considering that *Ms. Pushpa* was 28 years on the date of accident, it would be appropriate to consider the age of deceased as 48 years on the date of accident.

6. Furthermore, Mr. Rastogi, counsel for appellant/Insurance Company, contends that future prospects should be awarded at 25% instead of 40%. This contention stands accepted relying upon the principles enunciated in *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680, which states as under:

“59.4. In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.”

7. Mr. Parashar, counsel for respondents/claimants, contends that interest awarded at the rate of 6% is highly inadequate, considering the accident took place in 2020. The Supreme Court in *Kaushnuma Begum & Ors. v. New India Assurance Co. Ltd.* (2001) 2 SCC 9, stated that the standard rates of fixed deposit interest provided by the nationalized banks as per Reserve Bank of India (*‘RBI’*) policy have to be followed. In this regard, reliance may be placed upon the fixed deposit rates as per published by RBI, which states that the interest rate for 2020 was 6.5%. Therefore, the Court is inclined to increase the interest rate to 6.5%.

8. Accordingly, revised compensation is as under:

S. No.	Heads	Awarded by the Tribunal	Awarded by this Court
--------	-------	-------------------------	-----------------------



2026:DHC:3409



1	Income of deceased (A)	Rs. 14,842/-	Rs. 14,842/-
2	Add: Future Prospects (B)	Rs. 5,936.8/-	Rs. 3,710.5/-
3	Less: Personal expenses of deceased (C)	Rs. 5,194.7/-	Rs. 4,638/-
4	Loss of dependency (A+B)-C=D	Rs. 15,584.1/-	Rs. 13,914.5/-
5	Annual loss of dependency (Dx12) = (E)	Rs. 1,87,009/-	Rs. 1,66,974/-
6	Multiplier (F)	15	13
7	Total loss of dependency (E x F)= (G)	Rs. 28,05,138/-	Rs. 21,70,662/-
8	Compensation for loss of consortium (H)	Rs. 2,20,000/-	Rs. 2,20,000/-
9	Compensation for love and affection (I)	Nil	Nil
10	Compensation for loss of estate (J)	Rs. 16,500/-	Rs. 16,500/-
11	Compensation towards funeral expenses (K)	Rs. 16,500/-	Rs. 16,500/-
12	Total compensation (G+H+I+J+K)= L	Rs. 30,58,138/-	Rs. 24,23,662/-
13	Rate of Interest Awarded	6%	6.5%

9. In view of the above computation, the compensation payable to respondents/claimants has been reduced by 6,34,476/- as awarded by the MACT.

10. By order dated 30th May 2023, this Court had directed that 60% of the compensation awarded be deposited with the MACT with further directions to MACT to release that said amount in favour of respondents/claimants, as per the scheme of disbursement provided in the impugned award. Balance amount, along with accrued interest at the rate of 6.5% per annum from the date of filing, as per the revised computation, be deposited with the MACT within 4 weeks. This amount shall be disbursed



2026:DHC:3409



to respondents/claimants as per the scheme of disbursal provided by the MACT.

11. Appeal is accordingly disposed of in above terms.
12. Statutory deposit, if any, be refunded to appellant/Insurance Company.
13. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

APRIL 22, 2026/sm/sp