



2026:DHC:1797



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

Date of the decision: 24th February 2026

+ **MAC. APP. 1077/2014**

BHAGWAN DASS & ORSAppellants

Through: Mr. Anshuman Bal, Ms. Astha
Chauhan, Advocates.

versus

ORIENTAL INSURANCE CO LTD & ORSRespondents

Through: Mr. Pradeep Gaur, Advocate
with Mr. Amit Gaur, Ms. Sweta
Sinha, Mr. Kaarrtikey Parashar,
Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

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ANISH DAYAL, J: (ORAL)

1. This appeal has been filed seeking enhancement of the compensation awarded by the impugned award dated 25th August 2014, passed by Motor Accidents Claims Tribunal ('**MACT**'), Karkardooma Courts in the Claim Petition no. 333/2011. The MACT awarded compensation of Rs.12,79,656/- along with 9% interest per annum.

2. The accident took place on 20th September 2011 at about 6:45 am, when the deceased *Smt. Sunita*, along with other passengers, was traveling in a TSR towards Anand Vihar. As the TSR reached near *Preet Vihar, Metro Station*, a tractor bearing registration no. UP 81 AJ



8506, driven by *Malook Singh*, in a rash and negligent manner, came from *Gagan Vihar*, hit the TSR, due to which, the TSR overturned and all the passengers received injuries. *Smt. Sunita* succumbed to her injuries.

3. The MACT considered the matter and held that the deceased *Smt. Sunita* suffered fatal injuries due to the rash and negligent driving of the offending vehicle, which was owned by respondent nos. 3-5

4. *Mr. Anshuman Bal*, counsel for appellants, seeks enhancement on two grounds, *firstly*, that the MACT considered the benchmark income for calculation of loss of dependency as the minimum wages of an un-skilled worker in Madhya Pradesh, considering that *Smt. Sunita* was engaged in labour work and earning Rs. 300/- per day as per **PW1**, her husband/ *Mr. Bhagwan Dass*.

5. He contends that since the accident had occurred in Delhi and she was working in Delhi, the minimum wages of an un-skilled worker at Delhi should have been taken. However, *Mr. Bal* is unable to place any evidence on record to show that the family was residing in Delhi or that *Smt. Sunita* was employed there as a labourer.

6. The affidavit in support the appeal herein filed by *Bhagwan Dass*, mention the address as *Tehsil Rajnagar, District, Chatarpur, Madhya Pradesh*; though, it mentioned '*at present Delhi*', however, this does not establish that they were employed in Delhi.

7. The testimony of **PW1/Bhagwan Dass** by way of evidence-in-chief also does not state that they were residents of Delhi or were working there. He merely deposes that at the time of the accident, his



wife was a labourer and was earning Rs. 300/- per day.

8. In the cross-examination, he confirmed that he had not filed any documentary evidence. He relies upon the Ration Card issued in 2006, which showed his wife's age as 22 years. A perusal of the Ration Card would also show that it has been issued by the authorities in *Rajnagar, Madhya Pradesh*. The Election ID card of *Bhagwan Dass* also shows that it has been issued at *Chatarpur, Madhya Pradesh*.

9. In light of the above, this Court is not persuaded by the submission, and this ground of appeal is not tenable.

10. Counsel for appellant places reliance upon the judgment of the Supreme Court in *Hitesh Nagjibhai Patel v Bababhai Nagjibhai Rabari & Anr* 2025 INSC 1070, particularly *paragraph 9*, wherein it was observed that the minimum wages payable to a skilled workman should be taken as per the State where the *cause of action* arose. However, the said observation was made in the context of a minor whose employment status could not have been established. Therefore, the principle would not apply to a case where there is no proof of employment of an adult claimant in Delhi.

11. It is well settled that claims under the MV Act are decided on the principle of just and reasonable compensation. Nevertheless, this does not absolve the claimants from placing some cogent evidence on record to establish that the deceased was employed in Delhi. In the present case, there is nothing on record to suggest that the deceased was employed in Delhi at the time of her death. The oral testimony of **PW1** is silent regarding the place of employment of the deceased. To



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assert Delhi as the place of employment, sole reliance has been placed on the affidavit of *Sh. Bhagwan Dass* filed along with the appeal.

12. Although a Coordinate Bench of this Court in *United India Insurance Co. Ltd. v. Badal*, 2025:DHC:11100, and this Court in *New India Assurance Co. Ltd. v. Pratima Kumari & Ors.*, 2026:DHC:122, have held that the minimum wages of the State where the deceased was employed are to be considered for assessing loss of dependency. In the present case it has not been proved that the deceased was employed in Delhi. Therefore, it would be appropriate to apply the minimum wages applicable in the State of Madhya Pradesh, where the deceased was a resident, as evidenced from the Ration Card. The MACT was, therefore, correct in applying the minimum wages of Madhya Pradesh, and no interference is warranted.

13. **Secondly**, it is contented that age of deceased on the date of accident would have been 27 years, as per the Ration Card issued in year 2006, which showed her age as 22.

14. However, the MACT applied a multiplier of 16, corresponding to the age group of 31–35 years. The MACT's assessment in *paragraph 16* of the award records that the Election ID Card of *Bhagwan Dass* showed his age as 20 years as on 1st January 1995. Accordingly, he would have been 36 years old on the date of the accident in 2011.

15. The MACT presumed the age of the deceased to be between 31 and 35 years. Although this presumption lacked a clear basis, a perusal of the Ration Card shows that while *Bhagwan Dass* was 24 years old,



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Smt. Sunita was 22 years old, indicating an age difference of two years. Therefore, if *Bhagwan Dass* was 36 years old on the date of the accident, *Smt. Sunita* would have been 34 years old.

16. Therefore, the assessment, even though made on a wrong presumption, by the MACT would still hold, and the multiplier of 16 would continue to be applicable.

17. Accordingly, in the opinion of this Court, this ground is also not tenable.

18. In view of the facts and circumstances, appeal stands dismissed. Pending applications (if any) are also rendered infructuous.

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

(ANISH DAYAL)
JUDGE

FEBRUARY 24, 2026/RK/zb