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

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Date of decision: 30th January 2026+ **MAC.APP. 567/2013**

SH BALVINDER SINGH & ORS

.....Appellants

Through: Mr. Manish Maini, Ms. Astha
Chauhan, Advocates.

versus

SH NASURULA & ORS

.....Respondents

Through: Mr. Ravi Sabharwal, Mr. Vivan Garg,
Advocates for Respondent no.3.**CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J: (ORAL)**

1. This appeal has been filed seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal ('*MACT*') by award passed on 16th February 2013 in Claim Petition No.14/2010. The compensation was granted at *Rs.10,39,944/-* along with interest @ 7.5% per annum to the husband of deceased (*Sh. Balvinder Singh*) and appellant nos.2 & 3/children of the deceased.

2. The accident occurred on 15th October 2009 at about 11:15 P.M., when the deceased was travelling on a motorcycle along with her husband/appellant no.1; when they reached *Patparganj Road, Geeta Colony,*



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Delhi, a truck bearing registration No. DL-1LG-2139 driven by respondent no.1/*Sh. Nasurula*, in rash and negligent manner, hit the motorcycle. The deceased fell on the road and was run over by the wheel of the truck. Subsequently, she succumbed to injuries on 18th October 2009.

3. In the assessment of claim filed by the husband and the legal heirs, the MACT in determination of *Issue no.2* arrived at a finding that the accident occurred due to the rash and negligent driving of respondent no.1 (*driver*).

4. As regards the compensation, there are three issues which are asserted by *Mr. Manish Maini*, counsel for appellant. The *first* issue is that despite Income Tax Return (*ITR*) of assessment year 2009-10 being brought on record which showed that the income of the deceased as *Rs. 1,99,658/-* per annum, the same was disregarded by MACT for lack of supporting documents to ITR filed. The MACT, instead, used minimum wages of *non-matriculate* as the benchmark income.

5. Counsel for respondent has, however, drawn attention to the testimony of *Sh. Balvinder Singh (PW-1/husband of deceased)*, where in his cross-examination, he stated that deceased/wife had an embroidery factory located at *407 Jheel Khuranja, Delhi* and he himself was working in a factory doing embroidery work located at *407-A Jheel Khuranja, Delhi*. He stated that it is not the same factory which is run by his wife. He was unable to give the names of either of the factories, or provide any bills, or any document in that regard. He asserted that the factory was for embroidery work and no licence had been taken in this regard. He denied the suggestion that both are the same factory.

6. Further, during cross-examination of **PW-1** recorded on 29th February



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2012, he placed some cash memos issued by *Anjaneyay Textiles* to his wife for cloth purchased for her firm, though there were no bills or invoices against the cash memo.

7. Counsel for respondent no.3/Insurance Company states that this testimony was recorded in November 2012 after more than one and a half years of the initial testimony and the cash memos produced were without any supporting evidence and therefore, could not have been considered. The MACT was right in considering the benchmark income as that of minimum wages of a *non-matriculate*.

8. The *second* issue relates to the reimbursement of *medical expenses* incurred. Bills to the tune of *Rs.3,60,605/-* were raised by the hospital, which as per the claimant were paid in cash, since the medical insurance repudiated on account of original bills not being provided to *Vipul Medicare Pvt. Ltd (TPA)*. In this regard, *Mr. Maini* points out to the statement made by *Mr. Yogesh (Assistant)* who had appeared on behalf of Medi-claim on 3rd November 2011 before the MACT, where he stated that the claim submitted was rejected on 30th September 2010 on the ground that the original Medi-claim policy was not furnished.

Analysis

9. Having considered the submissions of parties, it is noted that there is complete absence of any documentation provided by **PW-1** regarding the name of the factory run by his wife, or any other transactional document like cash memos, invoices, bills, purchase documents, etc. The fact is that the two factories, as asserted by **PW-1**, were adjacent to each other located at



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407 and 407 A, *Jheel Khuranja, Delhi*. Since both were doing embroidery work, it does seem that the business income was split between the husband and wife, though the embroidery work would have been carried out in adjacent units.

10. Thus, the Court would have to consider whether the income as declared by wife as *Rs. 1,99,658/-* per annum for the Assessment Year 2009-10 should be taken in full to her benefit or not. It is noted that the passbook of deceased wife which was furnished by **PW-1** also noted that her occupation was “*housewife*”.

11. However, taking a broader view in the matter and assessing the evidence on record, the Court is of the view that some reasonable income ought to be considered, taking into account the contribution of wife to the embroidery work that seemingly both husband and wife were involved in. It could very well be that the income of the collective unit was being split into two business entities for better tax management.

12. Therefore, the Court is of the view that a reasonable income allocated to the wife would be *Rs. 12,000/-* per month, which would amount to about *Rs. 1,44,000/-* per annum grossly. In this regard, the Court takes support of judgment of Supreme Court in ***K. Ramya & Ors. V National Insurance Co. Ltd. & Anr., 2022 SCC OnLine SC 1338*** where the Supreme Court held that even if the deceased was not working but had a *potential* to earn money basis their managerial skills, some reasonable income ought to be allocated to that person.

13. In this regard, one must also take into account the Profit & Loss statement appended along with the ITR, which shows that there were entries



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of Opening Stock, Purchases, Labour Charges, Salary and other expense, whereas the entries towards income was through Sales and Job-work. There is clearly some evidence of business being run in which the wife participated despite no other evidence.

14. The *third* issue relates to reimbursement of medical expenses. Having considered the statement recorded on behalf of the Medi-claim Officer that insurance claim had been rejected on 30th September 2010, the testimony of **PW-1** and **PW-2** must be considered.

15. The MACT records in *paragraph 31* of the impugned award that **PW-2, Sh. Naveen Kumar (Medical Record In-charge, Max Balaji Hospital)**, who had produced the entire medical record including discharge summary and medical bills, stated that the hospital raised the bills to the tune of *Rs.3,60,605/-* against the treatment provided and “*entire bill was paid in cash*”. Therefore, the MACT was amiss basis this evidence on record to have rejected the claim for reimbursement of the hospital bills.

Conclusion

16. Accordingly, the claimants are entitled to enhancement of compensation by taking the benchmark income of the deceased as *Rs.12,000/-* per month instead of minimum wages. The claimants are also entitled to reimbursement of the medical expenses incurred to the tune of *Rs.3,60,605/-*. Further, the other heads of compensation are required to be aligned with the principles laid down in *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680.

17. Since the deceased was 32-33 years old at the time of death and was



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self-employed, he is entitled to 40% towards future prospects and a deduction of one-third towards personal expenses considering a family of three. Conventional heads such as loss of consortium, loss of estate, and funeral expenses are also to be aligned in terms of *Pranay Sethi (supra)*. Compensation awarded under the head of loss of love and affection shall be *nil*, in view of the law laid down in *United India Insurance Co. Ltd. v. Satinder Kaur*, (2021) 11 SCC 780.

18. The re-computation is as under:

S.no.	Heads of Compensation	Awarded by the Tribunal	Awarded by this Court
1.	Loss of income per month (A)	Rs. 4,146/-	Rs. 12,000/-
2.	Future Prospects @40% (B)	Rs. 1,036/-	Rs. 4,800/-
3.	Less Personal expenses of the deceased (C) 1/3 rd	Nil	Rs. 5,600/-
4.	Monthly Loss of Dependency (A+B-C=D)	Rs. 5,182/-	Rs. 11,200/-
5.	Annual loss of dependency (D x 12=E)	Rs. 62,184/-	Rs. 1,34,400/-
6.	Multiplier (F)	16	16
7.	Total loss of dependency (E x F = G)	Rs.9,94,944/-	Rs.21,50,400/-
8.	Medical expenses (H)	Nil	Rs. 3,60,605/-
9.	Compensation for loss of consortium (I)	Rs.10,000/-	Rs. 1,20,000/- (Rs.40,000x3)
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.10,000/-	Rs. 15,000/-



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13.	Total compensation (G+H+I+J+K+L = M)	Rs.10,39,944/-	Rs.26,61,005/-
14.	Rate of Interest Awarded	7.5%	7.5%

Directions

19. Accordingly, enhanced amount will be deposited by the Insurance Company within a period of 6 weeks from today, before the MACT. The same shall be released by the MACT as per its directions.

20. List before the MACT, East District, Karkardooma Courts on 12th March 2026. Copy of the order be sent to the concerned MACT.

21. Recovery rights granted to the Insurance Company by the impugned award to recover the compensation from respondent nos.1 & 2 have not been challenged. Therefore, they stand sustained.

22. Appeal stands disposed of with above directions.

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

24. Statutory deposit, if any, be refunded to the appellant.

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

ANISH DAYAL, J

JANUARY 30, 2026/ak/zb