



2026:DHC:852



§~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **MAC.APP. 794/2013***Date of decision: 30th January 2026*

SAPNA & ORS.

.....Appellants

Through: Mr. S.N. Parashar and Mr. Ritik
Singh, Advocates.

versus

MANGAL & ORS.

.....Respondents

Through: Ms. Niyati Jadaun, Advocate for
R-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 Motor Accidents Claims Tribunal (*'MACT'*) by award dated 02nd May 2013 (*'Impugned Award'*) in MACT No. 291/2011, whereby the Tribunal awarded compensation of Rs. 9,33,752/- to the claimants along with interest @ 9% per annum.

2. The accident occurred on 25th March 2011 at about 01:05 P.M., when the deceased was travelling to *Jahagir Puri* on bicycle along with his wife. Subsequently, a truck driven by the respondent no.1, in rash and negligent manner and at high speed, came from behind, and hit the bicycle. As a result, they fell down and deceased came under the left front wheel of the truck and was crushed by the wheels of the truck. He was immediately taken to *Dr. Baba Saheb Ambedkar Hospital, Rohini*, but due to grievous injuries sustained, he passed away.



3. An FIR No. 125/2011 under Sections 279/304 IPC was registered at *PS Samaypur Badli*.
4. The MACT as part of the compensation towards loss of dependency awarded *Rs. 7,78,752/-*, calculated on the basis of wages of minimum wages of an *unskilled worker* at *Rs. 6,084/-* per month and did not award any future prospects.
5. Accordingly, *Mr. S.N. Parashar*, counsel for the claimant, states that it was part of the evidence on record that the deceased was running a tea stall, which is evident from testimony of **PW-1**, wife of the deceased, who deposed that at the time of the accident, the age of her husband was *32 years* and was running a tea stall opposite *CW-718, Sanjay Gandhi Transport Nagar* and was earning *Rs.12,000/-* per month, out of which he used to give *Rs. 11,000/-* per month for household expenses.
6. She also stated that, apart from herself, the deceased left behind two dependent children, aged about 4 years, and aged about 3 years.
7. The testimony of **PW-1** in regard to the husband running the tea stall was not displaced in the cross-examination and, therefore, it could be safely accepted that the deceased had the vocation of running a tea stall.
8. Based on this, counsel for appellant argues that minimum wages of a *semi-skilled* person should have been taken as per notification dated 26th July 2011 and, therefore, the income of the deceased ought to be assessed at *Rs. 6,734/-* per month instead.
9. The Court finds this argument merited and, accordingly, the computation will be based on a benchmark income of ***Rs. 6,734/-*** per month.
10. The other aspects claimed by appellant relate to the alignment of



components of compensation with respect to principles enunciated in *National Insurance Co. Ltd. v. Pranay Sethi* (2017) 16 SCC 680 by the Supreme Court.

11. In this regard the following shall be granted:
 - i. *Future Prospects* at 40%, considering that the deceased was 32 years of the age and was self-employed at the time of accident.
 - ii. Only Rs. 10,000/- was awarded towards the *loss of consortium*, whereas there were three dependents and, therefore, *loss of consortium* would be Rs. 40,000/- \times 3 = Rs. 1,20,000/- and the compensation awarded towards *loss of love and affection stands deleted*.
 - iii. The *funeral expenses* were awarded at Rs. 10,000/-, shall be enhanced to Rs. 15,000/- in terms of *Pranay Sethi (supra)*
 - iv. *Loss of estate* awarded at Rs. 10,000/-, shall also be enhanced to Rs. 15,000/-.
12. Counsel for the respondent has placed her submissions. However, there are no serious objections to the alignment of these components as per *Pranay Sethi (supra)*.
13. However, *Mr. Sameer Nandwani*, counsel for Insurance Company, objects to the determination of the minimum wage of appellant as a *semi-skilled* worker on the basis that the job of making tea that he was doing in his shop, did not require any skill.
14. *Mr. Parashar*, counsel, however, points out that as per the Minimum Rates of Wages in Delhi, relying upon the Employment in All Shops and Other Establishments covered by the Delhi Shops & Establishments Act, 1954, *vide* notification dated 26th July 2011, a list of *unskilled* workers has



various categories such as peon, packer, cleaner, *mazdoor*, loader, helper etc., which are basically labour-oriented and involve physical activity; *semi-skilled* is one higher category which require some skill like assistant cook, assistant *halwai*, assistant *tandoori*, assistant bakery *mistry*, etc., which involve skill of cooking or creating something.

Conclusion

15. Even though, making tea may seem to be an innocuous process not requiring skill, however, running a business of a tea shop where customers are being served throughout day, sustaining such tea shop and continued patronage would certainly require some skill which would in the opinion of this Court can be considered as a *semi-skilled* worker. Even as per the categories mentioned in the notification referred to above, running a tea stall would resonate better with *semi-skilled* category, completely distinguishable from *unskilled* category which require only manual labour and physical effort. Running a business of tea-making stall, would be better aligned with the jobs of assistant cook/assistant *halwai*/assistant baker/assistant *tandoori*.

16. The revised computation, therefore, is provided as under:

S. No.	Heads of Compensation	Awarded by the Tribunal	Awarded by this Court
1	Income of deceased (A)	Rs. 6,084/-	Rs. 6,734/-
2	Future Prospects (B)	-	40% of Rs. Rs. 6,734/- = 2,693.60/-
3	1/3 rd Personal expenses of the deceased (C)	Rs. 2,028/-	Rs. 3,142.53
4	Monthly loss of dependency (A+B-C =D)	Rs. 4,056/-	Rs. 6,285.07
5	Annual loss of dependency	Rs. 48,672/-	Rs. 75,420.84



2026:DHC:852



	(Dx12= E)		
6	Multiplier (F)	16	16
7	Total loss of dependency (ExF = G)	Rs. 7,78,752/-	Rs. 12,06,733.44
8	Loss of love, company, and affection etc	Rs. 1,00,000/-	-
9	Compensation for loss of consortium	Rs. 10,000/-	Rs. 40,000/- x 3 = Rs. 1,20,000/-
11	Compensation for loss of estate	Rs. 10,000/-	Rs. 15,000/-
12	Compensation towards funeral expenses	Rs. 10,000/-	Rs. 15,000/-
13	Loss of gratuitous services	Rs. 25,000/-	Rs. 25,000/-
14	Total compensation	Rs. 9,33,752/-	Rs. 13,81,733.44 rounded to Rs. Rs. 13,81,734
15	Rate of Interest Awarded	9% per annum	9% per annum
16	Enhanced compensation	Rs.4,47,982/-	

Directions

17. The enhanced amount will be deposited before the MACT, which will be disbursed in terms of the directions of the MACT.
18. Copy of the judgment be sent to the MACT for further directions in terms of the re-computation.
19. List before the MACT on 03rd March 2026.
20. The appeal is accordingly disposed of. Pending applications (if any) are also rendered infructuous.
21. Statutory deposit (if any) be refunded to the appellant.
22. Judgment be uploaded on the website of this Court.

**ANISH DAYAL
JUDGE**

JANUARY 30, 2026/RK/bp