



2025:DHC:9985



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

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Decided on: 12.11.2025

+ MAC.APP. 606/2025

BALESH DEVI & ORS.

.....Appellants

Through: Mr. Anshuman Bal, Advocate.

versus

ROYAL SUNDARAM ALLIANCE

CO. LTD. & ORS.

.....Respondents

Through: Ms. Suman Bagga & Ms. Mouli
Sharma, Advocates for R-1.**CORAM:****HON'BLE MR. JUSTICE PRATEEK JALAN****PRATEEK JALAN, J. (ORAL)**

1. By way of this appeal, the appellants seek enhancement of the compensation awarded by the Motor Accident Claims Tribunal [“the Tribunal”] in MACT No. 66/2019, titled *Balesh Devi & Ors. vs. Mujahid @ Mujji & Ors.*, vide the impugned award dated 05.12.2024, under which the appellants were granted Rs. 40,25,069/- alongwith interest at the rate of 7.5% per annum.
2. The claim before the Tribunal arose from the death of Mr. Mukesh Kumar Sharma in a road accident on 02.11.2018. The claim was filed by eight persons, namely his wife, five daughters, one son, and his father.
3. Mr. Anshuman Bal, learned counsel for the appellants, urges a single ground of challenge – that the Tribunal erroneously excluded three



of the claimants, Ms. Sangita Sharma (appellant No.2), Ms. Sandhya Sharma (appellant No.3), and Ms. Sonika Sharma (appellant No.4), from the list of dependents. The exclusion was on the ground that they were married daughters of the deceased and were, therefore, not financially dependent on him. Consequently, Mr. Bal submits, the Tribunal incorrectly deducted one-fourth of the deceased's loss of earnings for personal expenses, whereas, considering all eight dependents, the deduction ought to have been one-fifth. A further consequence of this error, he contends, is that the loss of consortium was awarded only to five dependents, rather than to all eight.

4. I have heard Mr. Anshuman Bal and Ms. Suman Bagga, learned counsel for Royal Sundaram Alliance Insurance Co. Ltd. [“the Insurance Company”], on this issue.

5. The aforesaid facts are not in dispute, including, *inter alia*, that the deceased was survived by his wife, five daughters, one son, and his father.

6. The question of whether married daughters can be excluded from the list of dependents, has already been decided in favor of the appellants, by a Coordinate Bench of this Court in *Ram Charan & Ors. v. The New India Assurance Co. Ltd. & Ors.*¹ In the said judgment, this Court examined the relevant authorities on this point, including the judgment of the Supreme Court in *National Insurance Co. Ltd. v. Birender*², the judgment of the Kerala High Court in *United India Insurance Co. Ltd. v.*

¹ MAC.APP. 433/2013; decided on 18.10.2022 [hereinafter “*Ram Charan*”].

² (2020) 11 SCC 356 [hereinafter “*Birender*”].



*Shalumol*³, and the judgment of the Karnataka High Court in *Reliance General Insurance Company Ltd. v. Gangappa & Ors*⁴.

7. In the judgment of the Supreme Court in *Birender*, the Court held that major married and earning sons of the deceased, as legal representatives, have the right to claim compensation, irrespective of whether they were fully dependent on the deceased. Similarly, the Kerala High Court in *Shalumol* held that both married sons and daughters retain their dependency on the deceased, and are entitled to compensation. This principle was also followed by the Karnataka High Court in *Gangappa*.

8. This Court, in *Ram Charan*, expressed its agreement with the aforesaid views of the Kerala High Court and the Karnataka High Court in the following terms:

*“13.This Court is in respectful agreement with the view expressed by the Kerala High Court and Karnataka High Court in this regard. Nevertheless, it cannot be denied that the loss of other forms of support endured by the Appellants is immeasurable. By virtue of the Motor Vehicles Act, 1988, being a welfare legislation, there is no cogent reason to deny the Appellants from obtaining compensation for their loss of dependence, regardless of the nature or form of the dependence. **There cannot be any discrimination between married sons and married daughters and hence both of them are entitled for the compensation under the head ‘Loss of Dependency’.** Based on the above findings, this court is of the view that the Appellants are entitled to receive compensation under the head of ‘Loss of Dependency’.”*⁵

9. In a subsequent judgment in *Jagdish and Ors. v. Om Pal Singh and Ors.*⁶, this Court, *inter alia*, noted the judgments in *Birender*, *Shalumol* and *Ram Charan*, and observed as follows:

³ MACA. No. 1768/2021; decided on 25.08.2021 [hereinafter “*Shalumol*”].

⁴ MFA No. 102868/2014; decided on 04.08.2022 [hereinafter “*Gangappa*”].

⁵ Emphasis supplied.

⁶ MAC.APP. 279/2019; decided on 10.12.2024 [hereinafter “*Om Pal Singh*”].



*“19. Applying the above principles in the present case, it cannot be overlooked that the minor children as well as the major daughter continued to be the dependent on their deceased mother as a mother’s role extends far beyond mere financial considerations, involving invaluable services like managing household affairs, offering emotional stability, providing psychological comfort, etc. **Hence, the married daughter is also entitled for compensation under the “Loss of Dependency”.**”⁷*

10. It is in light of the aforesaid judgments, which are binding on this Court, that the reasoning of the Tribunal must be examined.

11. With regard to the question of dependency, the Tribunal’s analysis is set out in the impugned award as follows:

*“16. In the present case petitioners have claimed dependency as wife, father and children of the deceased. It is however observed that as per the list of LRs filed by the petitioner in Ex.PW2/A petitioner Sangita Sharma, Sandhya Sharma and Sonika Sharma **have been shown to be married daughters of the deceased. They are thus not considered to be financially dependent on the deceased.** As such, petitioner no.1/ Balesh Devi (widow of the deceased), petitioner Monika and Preena (unmarried daughters), Saurabh Sharma (unmarried son) and Yograj Sharma (father of the deceased) are considered to be dependents and thus entitled to compensation.”⁸*

12. It is evident from the above that the Tribunal excluded three of the claimants [appellants No. 2, 3 and 4 herein], solely on the ground that they were married daughters of the deceased and, therefore, not considered financially dependent. This reasoning is contrary to the aforementioned judgments of this Court. In fact, in the present case, appellant No.1 herein, being the wife of the deceased, filed her affidavit by way of evidence, in which she stated that the deceased was 47 years old at the time of the accident and had left behind eight legal heirs,

⁷ Emphasis supplied.

⁸ Emphasis supplied.



including three married daughters. Her affidavit further stated as follows:

“1. That the deceased Mukesh Kumar Sharma was my husband. He was aged about 47 years at the time of accident. He met with an accident with Vehicle No. HR-55T-4735 and died. My mother-in-law Smt. Kiran Devi has already died before the accident. My husband has left behind the following legal heirs:

- | | | | |
|-------|----------------|---|------------------------------|
| i. | Balesh Devi | - | Wife (myself) |
| ii. | Sangita Sharma | - | Daughter (married) |
| iii. | Sandhya Sharma | - | Daughter (married) |
| iv. | Sonika Sharma | - | Daughter (married) |
| v. | Sourabh Sharma | - | Son aged about 26 years |
| vi. | Monika | - | Daughter aged about 18 years |
| vii. | Preena | - | Daughter aged about 17 years |
| viii. | Yograj Sharma | - | Father of deceased |

*2. That at the time of accident, my husband was working as a Driver in Super Shine Service Pvt. Ltd. and earning of Rs.25,000/- per month. **He was contributing his entire income towards household expenses. We were all dependent on his earnings.** He was having very good health at the time of accident.”⁹*

13. Although the witness was cross-examined by learned counsel for the Insurance Company, no cross-examination was conducted regarding the dependency of any of the eight individuals.

14. In these circumstances, and having regard to the aforementioned judgments, the contention of the appellants must succeed. Consequently, it is held that all eight claimants were entitled to be considered as dependents.

15. In these circumstances, the appropriate deduction for personal expenses, in terms of the Supreme Court’s judgment in *Sarla Verma v. DTC*¹⁰, would be one-fifth rather than one-fourth, as applied by the Tribunal. The Tribunal had determined that the total compensation on

⁹ Emphasis supplied.

¹⁰ (2009) 6 SCC 121 [hereinafter “*Sarla Verma*”]



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account of loss of earnings was Rs. 3,84,285/-. The deduction on account of personal expenses should, therefore, be Rs. 76,857/-, instead of Rs. 96,072/- deducted by the Tribunal, resulting in an addition of Rs.19,215/-.

16. Similarly, with regard to the loss of consortium, the Tribunal awarded Rs. 48,400/- to each of the five dependents [Rs. 48,400 \times 5 = Rs. 2,42,000/-]. The inclusion of the three additional dependents would result in an additional amount of Rs. 1,45,200/- on this account.

17. For the reasons aforesaid, the enhancement of the award is allowed in the sum of Rs. 1,64,415/-. This amount, alongwith interest thereon at the rate of 7.5% p.a., as awarded by the Tribunal, shall be deposited by the appellant, before the Tribunal within a period of eight weeks.

18. The original amount awarded by the Tribunal has already been received by the appellants. As five of the eight claimants have already received the compensation awarded by the Tribunal, Mr. Bal submits that the amount now deposited will be distributed equally among appellants Nos. 2, 3, and 4, who are the three married daughters of the deceased.

19. The appeal is, accordingly, disposed of with the above directions.

PRATEEK JALAN, J

NOVEMBER 12, 2025

'pv/sd'