



\$~6 & 7

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

*Decided on 15.11.2025.*

+ MAC.APP. 138/2024

NEW INDIA ASSURANCE CO. LTD. ....Appellant

versus

MOHD SALEEM (SINCE DECEASED) THROUGH  
HIS LEGAL REPRESENTATIVES & ORS. ....Respondents

+ MAC.APP. 315/2024

MOHD. SALEEM (SINCE DECEASED) THROUGH HIS  
LEGAL REPRESENTATIVES AND ORS. ....Appellants

versus

NEW INDIA ASSURANCE CO. LTD. AND ANR....Respondents

**Appearances:**

Ms. Shiva Lakshmi, Amicus Curiae with Mr. Madhav Bajaj, Advocate.  
Mr. Salil Paul, Mr. Sahil Paul, Advocates for NIACL.  
Mr. R.S. Rathi, Ms. Kusum, Advocates for appellants in Item No. 7 and  
for respondents in Item No. 6.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**PRATEEK JALAN, J (ORAL)**

1. These two appeals - MAC.APP. 138/2024 by New India Assurance Co. Ltd. ["Insurance Company"], and MAC.APP. 315/2024 by the claimants - arise out of an award of the Motor Accident Claims Tribunal ["Tribunal"], dated 09.01.2024 in MACT No. 2028/2016.
2. The proceedings before the Tribunal arose out of an accident that



occurred on 11.05.2016 at about 05:30 A.M. One Md. Mobin was travelling in an EECO car (Registration No. DL-8CU-7660) when it was hit by a Canter vehicle bearing Registration No. UP-77N-8855. Md. Mobin sustained severe injuries in the accident and succumbed to them on 17.05.2016. He was then 28 years of age.

3. The claim petition was filed before the Tribunal in which six persons were arrayed as petitioners – the parents of the deceased, his three younger sisters, and his wife. The insurer of the vehicle was arrayed as respondent No. 3 in the claim petition.

4. The Tribunal recorded a finding of rash and negligent driving against the driver of the vehicle and assessed the compensation payable to the claimants at Rs.28,13,412/- alongwith interest at the rate of 8% per annum. The compensation was held to be payable by the Insurance Company.

5. Both the Insurance Company and the claimants are in appeal, but only on various aspects with regard to the quantum of compensation.

6. As far as the Insurance Company is concerned, the principal ground urged is that the three sisters of the deceased have been wrongly considered as dependants for the purpose of computation of compensation, leading to a deduction of only 1/4th of his income towards personal living expenses, whereas the deduction should have been 1/3rd. It is submitted that, for the same reason, the Tribunal has erred in awarding compensation on account of loss of consortium to six dependants.

7. In the claimants' appeal, the questions raised concern the



assessment of the monthly income of the deceased, which according to the claimants ought to have been assessed at Rs. 22,000/- per month, rather than on the basis of minimum wages. The second submission is that the Tribunal has omitted to award any amount towards medical expenses, despite the original bills having been produced and exhibited.

8. I have heard Mr. Salil Paul, learned counsel for the Insurance Company, Mr. R.S. Rathi, learned counsel for the claimants, and Ms. Shiva Lakshmi, learned *Amicus Curiae*, appointed by the order of this Court dated 30.04.2025.

9. Each of the heads of challenge is dealt with below.

**A. Deduction for personal expenses**

10. The deceased was 28 years of age at the time of the accident. He was married to Ms. Sahana, who was one of the claimants before the Tribunal. The dependency of the wife and parents is not disputed. The only question raised by the Insurance Company is whether the three sisters — Ms. Nazreen, Ms. Nazma and Ms. Nagma — could have been included in the list of dependants. The ages of the three sisters, as stated in the claim petition, were 24 years, 22 years, and 20 years, respectively.

11. As far as deduction of personal expenses is concerned, the judgment of the Supreme Court in *Sarla Verma & Ors. v. DTC & Anr.*<sup>1</sup> provides as follows:

*“30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in U.P. SRTC v. Trilok Chandra<sup>2</sup>, the general practice is to apply standardised deductions. Having considered several subsequent decisions of this Court, we are of the view that where the*

<sup>1</sup> (2009) 6 SCC 121, [hereinafter, “*Sarla Verma*”].

<sup>2</sup> (1996) 4 SCC 362.



*deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six.*

*31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father.*

*32. Thus even if the deceased is survived by parents and siblings, only the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third.”*

12. These principles were reaffirmed by the Court in *Reshma Kumari v. Madan Mohan*<sup>3</sup> with the following caveat:

*“41. The above does provide guidance for the appropriate deduction for personal and living expenses. One must bear in mind that the proportion of a man's net earnings that he saves or spends exclusively for the maintenance of others does not form part of his living expenses but what he spends exclusively on himself does. The percentage of deduction on account of personal and living expenses may vary with reference to the number of dependent members in the family and the personal living expenses of the deceased need not exactly correspond to the number of dependants.*

*42. In our view, the standards fixed by this Court in Sarla Verma on*

---

<sup>3</sup> (2013) 9 SCC 65, [hereinafter, “*Reshma Kumari*”].



*the aspect of deduction for personal living expenses in paras 30, 31 and 32 must ordinarily be followed unless a case for departure in the circumstances noted in the preceding paragraph is made out.*

*43. In what we have discussed above, we sum up our conclusions as follows:*

xxx

xxx

xxx

*43.6. Insofar as deduction for personal and living expenses is concerned, it is directed that the Tribunals shall ordinarily follow the standards prescribed in paras 30, 31 and 32 of the judgment in Sarla Verma subject to the observations made by us in para 41 above.”*

13. The Constitution Bench in *National Insurance Co. Ltd. v. Pranay Sethi & Ors.*<sup>4</sup>, reaffirmed the view taken in *Sarla Verma* as qualified by *Reshma Kumari*:

*“41. On a perusal of the analysis made in Sarla Verma which has been reconsidered in Reshma Kumari, we think it appropriate to state that as far as the guidance provided for appropriate deduction for personal and living expenses is concerned, the tribunals and courts should be guided by Conclusion 43.6 of Reshma Kumari. We concur with the same as we have no hesitation in approving the method provided therein.”*

14. Thus, the general rule in cases where the deceased was married, as laid down in paragraph 30 of *Sarla Verma*, is that a deduction of 1/4th should be made towards personal expenses, when the number of dependant family members is between four and six. In the course of the discussion on calculation of dependency in the case of an unmarried deceased, the Court in *Sarla Verma* accepted that siblings are generally unlikely to be considered as dependants in the absence of evidence to the contrary. However, it is clear from *Reshma Kumari*, as upheld in *Pranay Sethi*, that the matter is one of evidence.

15. In the present case, evidence was led by the father of the deceased. His affidavit by way of evidence clearly stated that the three unmarried



sisters were also dependent upon the deceased. The affidavit of evidence reads in this regard as follows:

*“It is also important to mention that the deceased has left out his dependents/ Petitioners namely old parents P1 & P2, bachelor sisters (P3 to P5) and wife (P6) and they were dependents on the earning of the deceased and they have no other source of income to maintain themselves.”*

16. In cross-examination by learned counsel for the Insurance Company, the father of the deceased deposed that he had six daughters, of whom three were unmarried - one educated up to Class 12 and the other two up to Class 7. He rebutted the suggestion that he was not financially dependent upon the deceased, as well as the suggestion that his unmarried daughters were not dependent upon the deceased.

17. Based on this evidence, I am of the view that the Tribunal has correctly considered all six claimants as dependent upon the deceased, for the purpose of computation of loss of dependency. All six claimants, including the three unmarried sisters, were undisputedly living with the deceased in the same house. The evidence clearly shows that all six claimants had no other source of income, including the parents of the deceased. Mr. Paul’s reliance upon the observations in *Sarla Verma* - that siblings would generally be dependent upon the father - is expressly stated therein to be subject to evidence to the contrary. In the present case, the evidence is that the father was himself dependent upon the deceased, and therefore it is logical to conclude that the sisters would also have been dependent upon the income of the deceased. It may be noted that, even in paragraph 30 of *Sarla Verma*, which deals with cases where

---

<sup>4</sup> (2017) 16 SCC 680, [hereinafter, “*Pranay Sethi*”].



the deceased was married, no distinction is made with respect to the relationship of the dependants to the deceased.

18. As far as loss of dependency is concerned, Mr. Paul relied upon the order of the Supreme Court in *The New India Assurance Company Ltd. v. Anand Pal & Ors.*<sup>5</sup>, as well as the judgment in *Sarup Singh alias Ram Sarup v. HDFC Ergo General Insurance Company Ltd. & Ors.*<sup>6</sup>. In my view, both are distinguishable on facts.

19. In *Anand Pal*, the Court was concerned with three older, married brothers of the deceased. The factual finding was that the deceased resided separately, there being two family residences, and the brothers were living with their respective families. The rejection of the siblings' dependency was, therefore, based on those factual circumstances. In contrast, in the present case, the siblings are younger and unmarried, were residing with the deceased, and had no independent source of income. It may also be noted that, even in *Anand Pal*, the Court reiterated that siblings are generally not considered dependants, in the absence of evidence to the contrary. In the present case, the evidence is indeed to the contrary.

20. In *Sarup Singh*, there were four claimants - the wife, minor daughter, father, and sister of the deceased. Mr. Paul points out that the Supreme Court affirmed a deduction of 1/3rd towards personal expenses. However, it appears that there was no challenge before the Supreme Court on the question of deduction towards personal expenses. The judgment is, therefore, of little assistance to Mr. Paul.

---

<sup>5</sup> SLP(C) No. 7805/2022, decided on 04.12.2023 [hereinafter, *Anand Pal*"].

<sup>6</sup> (2023) 1 SCC 159, [hereinafter, "*Sarup Singh*"].



21. In the present case, having found that all six claimants were rightly held to be dependent upon the deceased, the challenge of the Insurance Company on this ground is rejected.

**B. Loss of Consortium**

22. The next question to be considered is, whether the Tribunal has, consequently, correctly awarded loss of consortium to all the six claimants. The discussion in the impugned award on this account is as follows:

*“27. In case of **Pranay Sethi (Supra)**, a compensation of Rs.40,000/-, 15,000/- and Rs.15,000/- respectively has been fixed on account of loss of consortium, loss of estate and funeral expenses. Therefore, a compensation of Rs.40,000/-, 15,000/- and Rs.15,000/- respectively on account of loss of consortium, loss of estate and funeral expenses is required to be granted and further, it is required to be enhanced @ 10% in every three years. Therefore, a compensation of Rs.48,000/-, 18,000/- and Rs.18,000/- respectively on account of loss of consortium, loss of estate and funeral expenses is required to be granted. Further, in view of recent decision of Hon'ble Supreme Court in the case titled as **United India Insurance Company Ltd. v. Satinder Kaur & Ors.**<sup>7</sup>, decided on 30.06.2020, loss of consortium has to be fixed for each of the LRs. **Since, the deceased was survived by three legal heirs, therefore, the claimants are entitled to a sum of Rs.3,24,000/- (48,000 X 6 + 18,000 + 18,000) under this head.**”<sup>8</sup>*

23. It is clear that, while calculating the amount under the non-pecuniary heads, the Tribunal has taken loss of consortium at Rs. 48,000/- for each claimant entitled to the same. However, while observing that “*the deceased was survived by three legal heirs*”, the amount of Rs. 48,000/- has nevertheless been multiplied by six in the formula. This is an obvious error.

24. Learned counsel for the parties have joined issue as to the correct

<sup>7</sup> (2021) 11 SCC 780, [hereinafter, “*Satinder Kaur*”].

<sup>8</sup> Emphasis supplied.



number of dependents, to whom loss of consortium could be granted. While Mr. Paul argued that compensation for loss of consortium should have been granted only once, Mr. Rathi submitted that the Tribunal has correctly awarded loss of consortium to each of the six claimants.

25. The correct position, in my view, is that loss of consortium should have been awarded to the parents and the wife of the deceased, but not to the siblings. This is consistent with the observations of the Supreme Court, *inter alia*, in *Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Ors.*<sup>9</sup>, and *Satinder Kaur*, wherein three aspects of consortium have been identified - spousal consortium, parental consortium, and filial consortium - payable respectively to the spouse, children, and parents of the deceased.

26. The observations of the Court in *Magma General Insurance*, which were reiterated in *Satinder Kaur*, may be reproduced for clarity:

*“21. A Constitution Bench of this Court in Pranay Sethi dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortium. In legal parlance, “consortium” is a compendious term which encompasses “spousal consortium”, “parental consortium”, and “filial consortium”. The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse.<sup>10</sup>*

*21.1. Spousal consortium is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of “company, society, cooperation, affection, and aid of the other in every conjugal relation”. [Black's Law Dictionary (5th Edn., 1979).]*

*21.2. Parental consortium is granted to the child upon the premature death of a parent, for loss of “parental aid,*

<sup>9</sup> (2018) 18 SCC 130, [hereinafter, “*Magma General Insurance*”].

<sup>10</sup> *Rajesh v. Rajbir Singh*, (2013) 9 SCC 54.



*protection, affection, society, discipline, guidance and training”.*

*21.3. Filial consortium is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.”*

27. Mr. Paul has cited the order of the Supreme Court in *Shri Ram General Insurance Co. Ltd. v. Bhagat Singh Rawat & Ors.*<sup>11</sup>, to submit that loss of consortium is payable at a fixed rate, regardless of the number of dependants. The relevant observations of the Supreme Court read as follows:

*“The notice in terms of the order dated 13.10.2020 was confined only to two aspects i.e. the sum for loss of love and affection being Rs.50,000/- and for loss of consortium for Rs.40,000/- could not have been granted to each of the three dependents separately but in toto and that would be the amount quantified. This was in terms of the judgment in Pranay Sethi.*

*We have heard learned counsel for parties.*

*Learned counsel for the respondents did endeavour to persuade us that it should be per the legal heir by relying on Magma General Insurance.*

*We are, however, of the view that the total amount has to be assigned under a particular heading and that will go depending on the number of legal heirs present.*

*The amounts fixed in terms of Pranay Sethi's case (supra) are Rs.50,000/- and Rs.40,000/- respectively under the two heads and that should be the total amount payable.....”*

28. It is clear from this order itself, that the Court noted that the amount assigned under a particular heading “will go depending on the

---

<sup>11</sup> Civil Appeal Nos. 2410-2412/2023, decided on 27.03.2023.



*number of legal heirs present*". The subsequent observation, that the amounts under each head should be the "*total amount payable*", relied upon by Mr. Paul, cannot be read in isolation. The judgments of the Supreme Court, including this order, make it clear that the number of legal heirs is a relevant factor to determine the compensation for loss of consortium; the other judgments, including *Magma General Insurance* and *Satinder Kaur*, take this position beyond the pale of doubt.

29. For the aforesaid reasons, the loss of consortium should, in my view, have been awarded to three claimants, and the siblings of the deceased ought not to have been included under this head.

### **C. Quantum of Income**

30. As far as quantum of income is concerned, the Tribunal has proceeded on the basis of minimum wages of a skilled worker i.e. Rs.11,600/- per month, rejecting the claimants' assertion that the deceased was, in fact, earning Rs.22,000/- per month.

31. The case of the claimants was that the deceased was employed and was earning a salary of Rs. 22,000/- per month. Although the affidavit in evidence of the deceased's father did not mention the name of the employer, the employer - Md. Nazim Ansari - was examined as PW-2. In his evidence, he stated as follows:

*"2. That Mohd. Mobin s/o Mohd. Saleem, R/o E-3/366 Nand Nagari, North East Delhi -93 **was my employee from 2012 upto 11.5.2016 that is date of accident and I paid him Rs.22000/- per month for driving my vehicle (car) bearing No. EECO vehicle No. DL8CU7660 and for assisting me in my business MN Industries tech Butten Manufacturing (Sew material) in the aforesaid period and I paid the deceased Mohd. Mobin Rs. 22,000/- p.m. for the aforesaid service provided by him since 2012 upto 11.5.2016. Copy of certificate is Ex.PW 2/1 and copy of Election card is Ex. P.W. -2/2 and copies of RC and policy and pollution Control certificate of***



vehicle No.DL8CU 7660 is Ex.P.W. 2/3 (Colly) and copy of driving licence of the deceased is Ex. P.W. 2/4.”<sup>12</sup>

32. Learned counsel for the Insurance Company cross-examined PW-2 as follows:

*“I have studied up to class 8<sup>th</sup>. I do not have any document in support of tile same. It is wrong to suggest that I am illiterate.*

*The witness has been shown the copy of his affidavit which is Ex. PW2/A and states that he has come to the court to lead evidence in the case of death of Mobin and the document contains his statement. I have been explained by the counsel that document contains the details with regard to the accident of Mobin and how his death occurred. **I am working as a driver and conductor on Eco vehicle bearing no. 3345.** I do not remember the complete registration number of the vehicle. I have not filed copy of my driving license before the court. I have savings bank account with Axis Bank and State Bank of India. I do not remember the account numbers. It is wrong to suggest that I am not maintaining any such account. The deceased Mohd. Mobin used to reside at Nand Nagri, Delhi. I cannot tell about his exact address. **I know Mohd. Saleem, the father of Mohd. Mobin since 1999. He is my father in law and I got married to his daughter in the year 1999.** My wife’s name is Naziya Parveen. We have four children. **I am earning around Rs. 20-22,000/- per month from driving the Eco vehicle as a taxi. The vehicle is registered as private vehicle. It is wrong to suggest that Mohd. Mobin was not my employee from 2012 upto 11.05.2016, i.e. the date of accident. It is wrong to suggest that I did not pay him Rs. 22, 000/- per month for driving my vehicle or for assisting me in my business namely MN Industries Tech Button Manufacturing (Sew material)** during the said period. I have not brought any document to show that I was running any business of MN Industries. I have also not brought any document to show my income from the said business or any payment made to Mohd. Mobin from the income received from the business. I have also not brought any employee register or payment receipts of any salary paid to the deceased Mohd. Mobin. I have not brought my financial records by way of computation of my income and expenditure and any ITR filed during the above mentioned period. I have not brought any appointment letter issued to deceased Mohd. Mobin. VoI. Deceased was my relative. It is wrong to suggest that I am an interested witness and I am deposing falsely in order to help the family of my wife and father in law to get a higher compensation in the present case. It is*

---

<sup>12</sup> Emphasis supplied.



*wrong to suggest that my affidavit contains wrong facts and the documents exhibited by me are false and fabricated.”<sup>13</sup>*

33. The only other evidence in support of the claimants’ case is a certificate dated 30.06.2016 issued by Md. Nazim Ansari, stating that the deceased was driving his vehicle and assisting him in his business, and was being paid a sum of Rs. 22,000/- per month.

34. I am of the view that the Tribunal has rightly held that the employer’s evidence was shaken in cross-examination, particularly because it was unsupported by any documentary evidence, and because PW-2 was admittedly the brother-in-law of the deceased. In fact, PW-2’s evidence was that he himself was earning Rs.20,000/- to Rs.22,000/- per month from driving a taxi, which makes it unlikely that he was paying Rs.22,000/- per month to the deceased. As far as the business of the employer is concerned, no documentary evidence was produced whatsoever. Although Mr. Rathi rightly pointed out that adjudication before the Tribunal is not dependent on strict pleadings and evidence, the Tribunal must arrive at an assessment of just and reasonable compensation, based upon a preponderance of probabilities. In the present case, the claimants have failed to discharge even that limited burden. It is, in my view, improbable that a person who was himself earning Rs.20,000/- to Rs.22,000/- per month would have paid an employee Rs.22,000/- per month for driving his vehicle or assisting him in his business. Thus, the evidence is at best dubious, particularly when coupled with the fact that the purported employer was himself a close relative of the deceased and, therefore, of the claimants.

---

<sup>13</sup> Emphasis supplied.



35. For these reasons, the claimants' appeal on this ground is rejected.

**D. Medical Expenses**

36. The claimants had exhibited medical bills and documents as Exhibit PW-1/17. These were placed in evidence by PW-1, the father of the deceased, and remained unchallenged in cross-examination. The Tribunal, however, has failed to award any amount towards medical expenses, which is an established head of pecuniary damages.

37. The claimants have annexed a list of the medical bills as Annexure P-7 to the appeal [MAC.APP. 315/2024]. I have perused the record of the Tribunal with the assistance of learned counsel for the parties and learned *Amicus Curiae*. My findings with regard to each of the claims are incorporated in the table below, based upon the documents exhibited as Exhibit PW-1/17:

<b><i>Item No.</i></b>	<b><i>Bill No.</i></b>	<b><i>Electronic Page No. (TCR)</i></b>	<b><i>Claim Amount</i></b>	<b><i>Findings</i></b>
1.	CA/ 16 / 8358	Pdf. 197	Rs.268	Allowed
2.	CA/16/ 8306	Pdf. 199	Rs.798	Allowed
3.	20407	Pdf. 201	Rs.472	Allowed
4.	CA/16/ 8430	Pdf. 203	Rs.400	Allowed to the extent of Rs.4, as per the bill amount.



5.	CA/16/ 8422	Pdf. 205	Rs.21	Allowed
6.	CA/16/ 8417	Pdf. 207	Rs.324	Allowed
7.	CA/16/ 8427	Pdf. 209	Rs.45	Allowed
8.	CA/16/ 8356	Pdf. 211	Rs. 413	Allowed
9.	CA/16/ 8307	Pdf. 213	Rs. 1164	Allowed
10.	CA/16/ 8317	Pdf. 215	Rs. 474	Allowed
11	CN / 16 / 943	Pdf. 217	Rs. 408	Allowed
12.	CN/16/ 944	Pdf.219	Rs. 502	Allowed
13.	DLB/G/16/ 0338	Pdf. 221	Rs.4,200	Allowed
14, 15 & 16	DIAG/G/16/ 1355 IPD/16/ 1267 IPD / G / 16 / 0281		Rs. 2,250 Rs. 18,431 Rs. 23,131, respectively.	The document at S.No. 16 is a bill and receipt issued by Kailash Hospital. It includes receipt for the sum of



				<p>Rs.18,431/- which has been separately claimed at S.No. 15. It also includes bills for investigation amounting to Rs. 2250, which overlaps with S.No. 14. S.No. 14 and 15 are therefore disallowed, and S. No. 16 is allowed.</p>
17	IPD / G/16/ 0282	N/A	Rs. 18220	<p>There is no evidence at all in support of this claim. The claim is therefore disallowed.</p>

38. In sum, the claimants have been able to demonstrate medical expenses amounting to Rs. 32,224/- as against their claim of Rs.71,521/-.



**CONCLUSION:**

39. For the foregoing reasons, my conclusions on the points of challenge are as follows:

- a) The Tribunal has rightly computed loss of dependency on the basis of a deduction of 1/4th towards personal expenses.
- b) The Tribunal has erroneously granted loss of consortium at the rate of Rs.48,000/- to all six claimants. Loss of consortium should correctly have been awarded at the rate of Rs.48,400/-<sup>14</sup> each to the parents and the wife only. This results in a reduction of Rs.1,45,200/- from the total amount.
- c) The Tribunal has correctly calculated loss of dependency on the basis of minimum wages of a skilled worker in Delhi i.e., Rs. 11,600/- per month.
- d) The Tribunal has erroneously omitted any compensation towards medical bills. Compensation on this account is also admissible, to the extent of Rs. 32,224/-.

In sum, therefore, the award of the Tribunal is reduced from Rs. 28,13,412/- to Rs.27,00,436/-.

40. Insofar as prayer (c) of the appeal filed by the claimants seeking equal distribution of the compensation is concerned, although the plea finds mention in the grounds of appeal, the same was not pressed by Mr. Rathi during the course of arguments.

---

<sup>14</sup> Rs. 48,400/- and not Rs. 48,000 is admittedly the applicable loss of consortium compensation payable to each person so entitled, in terms of the judgment of the Supreme Court in *Pranay Sethi*, (paragraph 52).



41. The appeals are accordingly disposed of on this basis.
42. The Insurance Company has deposited certain amounts before the Tribunal pursuant to interim orders passed by this Court on 22.03.2024, 16.04.2024, 10.12.2024, 28.05.2025, and 17.09.2025 in these appeals. The balance amount, if any, shall be computed in accordance with this judgment and deposited before the Tribunal within a period of eight weeks from today, to be released to the claimants, in accordance with the award of the Tribunal. If any amount is liable to be returned to the Insurance Company, the Tribunal may release the same.
43. It is contended by Mr. Rathi that the Insurance Company has deducted TDS on the interest component of the awarded amount, contrary to the Division Bench judgment of the Bombay High Court in *Rupesh Rashmikant Shah v. UoI & Ors.*<sup>15</sup> I do not consider it necessary to decide this issue finally. By this judgment, I have disposed of both the appeals, and the award is thus capable of execution. If it is the contention of the claimants that the award has not been complied with in accordance with law, they may avail of the remedies open to them.
44. The statutory deposits be refunded to the parties.

**PRATEEK JALAN, J**

**NOVEMBER 15, 2025**

*'Bhupi/Jishnu'*

---

<sup>15</sup> W.P.(C) 2902/2016, decided on 08.08.2019.