



\$~21

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Date of decision: 22<sup>nd</sup> January 2026*

+ **MAC.APP. 76/2022**

DIMPLE @DIMPLE VERMA AND OTHERS .....Appellant

Through: Mr. Dhananjay Gupta, Advocate.  
versus

AFASAR ALI AND ORS (THE NEW INDIA ASSURANCE CO. LTD) .....Respondents

Through: Mr. Gaurav Nair and Ms. Veera Mathai, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**JUDGMENT (ORAL)**

%

**ANISH DAYAL, J.**

1. This appeal has been filed by the claimants under Section 173 of the Motor Vehicles Act, 1988, seeking *enhancement* of the compensation of Rs. 32,68,800/- with interest @ 9% per annum, awarded by the MACT, Tis Hazari Courts by award dated 1<sup>st</sup> February 2020.
2. The accident occurred on 9th April 2019 near the ITO red light, wherein the motorcycle driven by the deceased, *Mr. Anuj Verma*, was hit by a *Maruti Eeco Ambulance*, which was being driven on the wrong side of the road.
3. The deceased sustained grievous injuries and subsequently succumbed to the same at the hospital.
4. An *FIR* 62/2019 was registered under *Section 279/337* of the Indian Penal Code, 1860, and later, charge sheet was filed incorporating *Section*



304A of IPC.

5. Upon consideration of the claim, the MACT held that the accident was caused due to rash and negligent driving of respondent no.1/driver, vehicle was owned by respondent no.2 and the offending vehicle was insured with respondent no.3.

6. The essential claim by claimants, being the legal heirs of the deceased, i.e. the wife, one daughter and one son, is that despite producing documentation to the effect that the deceased was engaged with *M/s Durga Air Conditioners*, an authorized Service Centre of Voltas, as a skilled technician, and despite the testimony of his wife wherein she had stated that the deceased was earning *Rs. 22,000* per month, the MACT did not consider the said evidence sufficient to assess the monthly income at that amount.

7. On the contrary, the MACT held that the income of the deceased has to be considered as minimum wages of an unskilled labour at *Rs. 14,000/-*.

8. *Mr. Dhananjay Gupta*, counsel for the appellant, has drawn the attention of this Court to **Ex.PW-1/6** of the claim petition, being the identity card issued by *M/s Durga Air Conditioners*, as also **Ex. PW-1/7** of the claim petition, being the Certificate of Participation of the deceased in a training programme on installation of room air conditioners, issued by the Project Manager of the entity *GIZ Proklima*, New Delhi.

9. Both these documents were presented by **PW-1**, wife of the deceased, and have not been controverted by any evidence.

10. The only issue before the MACT was that there was no proof given for the salary/ income of *Rs. 22,000/-* per month.

11. Counsel for the respondent no.3 states that no evidence had been placed



on record before the MACT on behalf of the employer of the deceased, nor was any pay slip produced.

12. *Mr. Gupta*, counsel for appellant, relies on the decision of this Court in ***Babu and others v Vikas Duggal and others*** 2019:DHC: 3402, wherein this Court observed in *paragraph 4* as under:

*“4. The learned counsel for the Insurance Company submits that there is no evidence on record to show that the deceased was working in Delhi for the last several years and/or selling mats and bed sheets on his cycle. The Court is conscious that persons engaged in the unorganized sector ordinarily do not have or keep records or proof of their employment or earnings. Therefore, strict rules of evidence would not be applicable to such parties, like the appellants, to prove by documentary evidence that the deceased was working and earning in Delhi.”*

(emphasis added)

13. He further relies on the decision in ***Bajaj Alliance General Insurance Co. Ltd. vs Meera Devi & Ors.*** 2021:DHC:555, where this Court observed in *paragraph 8* as under:

*“8. Tribunal had noticed that in view of Delhi Motor Accident Claim Tribunal Rules 2008, contents of DAR had to be presumed to be correct and read in evidence without formal proof of the same unless proof to the contrary was produced and as such the Tribunal held that no deduction could be made towards the head contributory negligence.”*

(emphasis added)

14. Both the document, **Ex. PW-1/6** and **Ex. PW-1/7**, form part of the Detailed Accident Report ('**DAR**') and stand verified by the IO.



15. The Court has perused these documents and finds that there was no reason for the MACT to have treated the appellant as an *unskilled worker*. At the very least, the deceased ought to have been treated as a *skilled worker* and awarded minimum wages accordingly.

16. For this purpose, counsel has presented the Court an order dated 23<sup>rd</sup> October 2019 issued by *Labour Department, Govt. of NCT of Delhi*, which shows that minimum wages after adding DA w.e.f. 01 April 2019 till 30<sup>th</sup> September 2019 for skilled workers was *Rs. 17,508/- per month*.

17. Accordingly, the benchmark of income will be recomputed as *Rs. 17,508/- per month*.

18. As regards the medical expenses, counsel for appellant, states that no medical expenses have been awarded despite expenses having been incurred on medicines, though the treatment was at *Lok Nayak Hospital*, a government hospital. The same has been considered in the impugned award in *paragraph 19* of the impugned judgment.

19. Considering that *Mr. Anuj Verma*, deceased, sustained grievous injuries and later succumbed to those injuries in the hospital, even though hospitalization was free of cost, certain miscellaneous expenses which must have been incurred for the treatment, therefore, some amount ought to have been provided. To that extent, this Court awards *Rs. 25,000/-*, as just and reasonable recompense to them for this purpose.

20. Counsel for respondent no.3 points out that compensation for *loss of love and affection* amounting to *Rs. 2 Lakhs* have been awarded, which is not permitted considering ***National Insurance Co. Ltd. v. Pranay Sethi*** (2017) 16 SCC 680. As per the settled law, compensation is to be awarded for *loss of*



*consortium at Rs. 40,000/- per dependent, loss of estate at Rs. 15,000/- and loss of funeral expenses at Rs.15,000/-.*

21. The deceased was survived by his wife, two children and his mother and, therefore, consortium at  $Rs. 40,000/- \times 4 = Rs. 1,6,0000/-$  would be awarded.

22. The consortium for *loss of love and affection* stands deleted.

23. The revised computation is provided as under:

S. No.	Heads of Compensation	Awarded by the Tribunal	Awarded by this Court
1	Income of deceased (A)	Rs. 14,000/- per month	Rs. 17,508/- per month.
2	Add Future Prospects (B) @ 40%	Rs. 5,600/-	Rs. 7,003.20
3	Less 1/4 <sup>th</sup> Personal expenses of the deceased (C)	Rs. 4,900	Rs. 6,127.80
4	Monthly loss of dependency [(A +B)-C = D]	$(14,000 + 5,600) - (4,900) = Rs.14,700/-$	$(17,508 + 7,003.2) - (6,127.8) = Rs. 18,383.40$
5	Annual loss of dependency (Dx12)	$14,700 \times 12 = Rs. 1,76,6400$	$18,383.4 \times 12 = Rs. 2,20,600.80$
6	Multiplier (E)	17	17
7	Total loss of dependency (Dx12xE = F)	$14,700 \times 12 \times 17 = Rs. 29,98,800/-$	$18,383.40 \times 12 \times 17 = Rs. 37,50,213.60$
8	Medical expenses (G)	Nil	Rs. 25,000/-
9	Compensation for loss of consortium (H)	Rs. 40,000/-	Rs. 40000/- $\times 4 = Rs. 1,60,000/-$
10	Compensation for loss of love and affection (I)	$50,000/- \times 4 = Rs. 2,00,000/-$	Nil
11	Compensation for loss of estate (J)	Rs. 15,000/-	Rs. 15,000/-
12	Compensation towards funeral expenses (K)	Rs. 15,000/-	Rs. 15,000/-
13	Total compensation (F+G+H+I+J+K = L)	Rs. 32,68,800/-	Rs.39,65,213.60 rounded to <b>Rs. 39,65,214/-</b>
14	Rate of Interest Awarded	9%	9%

24. Copy of the judgment be sent to the Tribunal for further directions in



2026:DHC:608



terms of the re-computation.

25. Parties shall appear before the Tribunal on 12<sup>th</sup> February 2026.
26. The appeal is accordingly disposed of. Pending applications (if any) are also rendered infructuous.
27. Statutory deposit (if any) be refunded to the appellant.
28. Judgment be uploaded on the website of this Court.

**ANISH DAYAL  
(JUDGE)**

**JANUARY 22, 2026/RK/bp**