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Veermati & Ors vs Sanjay & Ors

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Court : Delhi

Decided On : May-22-2026

Judge : Hon'Ble Mr. Justice Anish Dayal

Appeal No. : MAC.APP./793/2013

Appellant : Veermati & Ors

Respondent : Sanjay & Ors

Advocate for Pet/Ap. : Mr. Anshuman Bal, Ms. Aastha Chauhan, Mr. P.S Singh, Ms. Annu Singh, Ms. Shivangi Sharma, Mr. Aditya Tomar, Mr. Ajay Pal

Judgement :

$~3 & 4

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 22nd May 2026. % + MAC.APP. 793/2013 VEERMATI & ORS .....Appellant Through: Mr. Anshuman Bal and Ms. Aastha Chauhan, Advs.

versus

SANJAY & ORS .....Respondent Through: Mr. P.S Singh, CGSC, with Ms. Annu Singh, Ms. Shivangi Sharma, Mr. Aditya Tomar, Advocates with Mr. Ajay Pal, Law Officer for respondent. + MAC.APP. 815/2013 SANJAY KUMAR & ORS .....Appellant Through: Mr. P.S Singh, CGSC, with Ms. Annu Singh, Ms. Shivangi Sharma, Mr. Aditya Tomar, Advocates with Mr. Ajay Pal, Law Officer for respondent.

versus

SMT VEERMATI DEVI .....Respondent Through: Mr. Anshuman Bal and Ms. Aastha Chauhan, Advs.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

% ANISH DAYAL, J :(ORAL)

1. These are cross-appeals, being MAC.APP. 815/2013, which have KUMAR CHOUDHARY MAC. APP. 793/2013 & MAC. APP. 815/2013 Page 1 of 6

been filed by Sanjay Kumar, the driver of the offending vehicle, which was operated by Central Reserve Police Force (CRPF) and MAC.APP. compensation. The Motor Accidents Claims Tribunal (MACT), Dwarka Courts, New Delhi, by impugned judgment dated 01 st April 2013, awarded compensation of Rs. 8,14,829/- along with interest @ 7.5% per annum.

2. The CRPF is represented through Mr. P. S. Singh, CGSC, who submits that the involvement of the offending vehicle in the accident itself is in question.

3. The accident occurred on 03rd November 2007, when Virender

Kumar Vashisht @ Virender Kumar, the deceased, was proceeding to Bahadurgarh on his motorcycle. When at about 06:45 p.m. near Jharoda, Najafgarh Road, a CRPF bus bearing no. UP-16G-0142, driven by Sanjay Kumar, allegedly dashed against the motorcyclist as a result of which deceased fell down on the road and received fatal injuries. Later he was moved to RTRM Hospital, where he was declared as brought dead.

4. The MACT while deciding whether the death had occurred due to

the negligence of the offending vehicle, relied on testimonies of PW3 and PW5, the two eyewitnesses. PW3, Nikhil Kumar, narrated the sequence of the accident, as well as PW5, Devender Kumar. The sequence of events have been narrated in their testimonies in detail and they have also been cross-examined by counsel for CRPF; however, they have sustained their testimonies despite cross- examination.

5. Mr. Singh, stated that there are contradictions in the testimonies of KUMAR CHOUDHARY MAC. APP. 793/2013 & MAC. APP. 815/2013 Page 2 of 6

PW3 and PW5. While PW3 stated that the bus was grey in colour, on contrary, PW5 stated that it was blue in colour. While this may be an issue of improper description and subjectivity, the rest of the testimony is consistent in identifying the vehicle.

6. Further, Mr. Singh states that statements to the police were given

approximately 10 days after the accident. However, it is stated by the witnesses that they had noted the number and they later went to the police to record their statement.

7. Mr. Singh, has further submitted that the accused has been

discharged in the criminal proceedings and has produced the discharge order. The Court has perused the discharge order, as presented, even though it is not a part

of appeal proceedings, and notes that both the witnesses PW3 and PW5, had turned hostile to the case of prosecution.

8. In this regard, even though, the criminal proceedings may

otherwise influence the finding of MACT on preponderance of probability, the retraction by two eye-witnesses cannot be taken as persuasive or determinative for the assessment of negligence both having given credible testimonies before the MACT.

9. Accordingly, the plea of appellant/CRPF, and driver is therefore, rejected.

10. In the appeal for enhancement, Mr. Bal, counsel for claimant, has been sought realignment on the basis of the principles enunciated in National Insurance Company v. Pranay Sethi & Ors. (2017) 16 SCC 680:

(i) Funeral expenses ought to be Rs. 15,000/-;

(ii) Loss of estate ought to be Rs. 15,000/-; KUMAR CHOUDHARY MAC. APP. 793/2013 & MAC. APP. 815/2013 Page 3 of 6

(iii) Loss of love and affection stands deleted as per judgment of United India Insurance Co. Ltd. v. Satinder Kaur, (2021) 11 SCC 780

(iv) Loss of consortium ought to be Rs. 40,000/-, as there is only one claimant.

(v) Multiplier ought to be 17, as per the age of deceased and not 13 as per the age of mother.

11. As regards loss of dependency, the salary has been assessed by

> the Tribunal by excluding transport allowance. As per the Supreme Courts decision in Meenakshi v. Oriental Insurance Co. Ltd., 2024 SCC OnLine SC 1872, transport allowance cannot be deducted. The relevant paragraphs of Meenakshi (supra) are extracted as under: 9. Recently in a judgment dated 11th July, 2024 in National Insurance Company Ltd. v. Nalini [Petition for Special Leave to Appeal (C) No. 4230/2019], this

> Court held that, allowances under the heads of transport allowance, house rent allowance, provident fund loan, provident fund and special allowance ought to be added while considering the basic salary of the victim/deceased to arrive at the dependency factor.

(emphasis added)

12. Accordingly, the salary including transport allowance is assessed

at Rs. 10,002/- on which future prospects at 40% shall be granted, considering that the deceased was 27 years of age on the date of the accident. Considering the age of deceased, multiplier of 17 shall be applied in terms of principal enunciated in Pranay Sethi (supra).

13. Accordingly, the revised computation is as under:

KUMAR CHOUDHARY MAC. APP. 793/2013 & MAC. APP. 815/2013

2. Add: Future Prospects (B) Rs. 2277.60/- Rs. 4,008/-

3. Less: Personal expenses of the Rs. 4,934.80/- Rs. 7,002/- deceased (C)

4. Monthly Loss of Dependency (A+B- Rs. 4,934.80/- Rs. 7,008/- C=D)

5. Annual loss of dependency (D x Rs. 59,217.60/- Rs.84,096/-/- 12=E)

6. Multiplier (F) 13 17

7. Total loss of dependency (E x F = G) Rs. 7,69,828.80/- Rs. 14,29,632/-

8. Compensation for loss of consortium Nil Rs. 40,000/- (H)

9. Compensation for loss of estate (I) Rs. 10,000/- Rs. 15,000/-

10. Compensation towards funeral Rs. 10,000/- Rs. 15,000/- expenses (J)

11. Loss of love and affection Rs. 25,000/- Nil

12. Total compensation Rs. 8,14,829/- Rs. 14,99,632/- (G+H+I+J = K)

13. Rate of Interest Awarded 7.5% Rs. 7.5%

14. The compensation is enhanced by Rs. 6,84,803/-.

15. By order dated 02nd September 2013, the Court had directed

deposit of the entire amount of compensation along with up-to date interest with the Registrar General of this Court. Further, direction for release of 50% of the awarded amount was passed.

16. It is directed that the balance amount along with accrued interest

deposited with Registrar General of this Court be released to the KUMAR CHOUDHARY MAC. APP. 793/2013 & MAC. APP. 815/2013 Page 5 of 6 claimant as per the directions of the MACT in the impugned award.

17. It is directed that the enhanced amount along with 7.5% interest be

> deposited with the Registrar General of this Court within a period of four weeks. It is directed that a lump sum amount of Rs. 2,00,000/- shall be released to the claimant from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts (FDRs) of Rs. 15,000/- each for periods of 1 month, 2 months, 3 months and so on, in succession as maybe calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of claimant. The amount of FDRs on maturity would be released to the Savings Bank Account of claimant upon due verification.

18. The appeals stand disposed of in above terms. Pending applications (if any) are rendered infructuous.

19. Statutory deposit, if any, shall be refunded to appellate/Insurance Company only upon deposit of the enhanced amount along with the accrued interest.

20. Judgement be uploaded on the website of this Court. (ANISH DAYAL) JUDGE MAY 22, 2026/RK/sp KUMAR CHOUDHARY MAC. APP. 793/2013 & MAC. APP. 815/2013 Page 6 of 6

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