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

% ***Date of decision: 02nd September 2026***

\# **CNR No. DLHC010993032024**

\+ **MAC.APP. 1/2025**

JUBED ALAM .....Appellant

Through: Mr. Mahesh Ranjan, Adv.

versus

THE NEW INDIA ASSURANCE COMPANY LTD. AND ORS. .....Respondents

Through: Mr. Roshan Lal Goel and Mr. Bhuvan Goel, Advs. for R-1.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. This appeal has been filed seeking enhancement of compensation awarded by judgment dated 31st August 2024 passed by Motor Accident Claims Tribunal ['***MACT/Tribunal***'], Central District, Tis Hazari Courts, in MACT No. 214/2022, whereby compensation of *Rs.83,10,835/-* along with interest @ *8%* per annum be awarded.

2. *Mr. Mahesh Ranjan*, counsel for appellant, points out to two issues, which require redressal by the Court:

(i) That the salary was claimed at *Rs.27,000/-* at the time of the accident; whereas, only minimum wages of a skilled person has been taken by the MACT at *Rs.20,357/-*.

(ii) That the attendant charges have been given only at *Rs.35,000/-*, despite the assessment of *100%* functional disability.

3. *Mr. Roshan Lal Goel*, counsel for the Insurance Company, states that considering the admission, in view of the admission made by the appellant in his cross-examination that he was not availing of any nursing services, no amount ought to be awarded towards attendant charges. He further submits that the documents relating to *Larsen and Toubro Ltd.* are not relevant, since the claimant had joined the company in 2015 and left in 2016, which was much prior to the accident.

4. Counsel for the Insurance Company, submits that the evidence of the employer has not been placed on record and that there is no proof to substantiate the assertion that the claimant was earning either *Rs.27,000/-* or *Rs.24,000/-* per month. Accordingly, minimum wages have rightly been taken as the basis for assessing his income.

5. The claimant, *Jubed Alam*, was working as a pipe fitter/ insulator and working under a subcontractor in *GN Golden Private Limited* stated to be earning *Rs.27,000/-* per month. Previously, he had been contracted for working in the Middle East and was working with *Larsen and Toubro Ltd.*, which has issued him a Certificate of Appreciation. Various documents have been filed showing that he was working with *Larsen and Toubro Ltd.*, including the certification by the company that he was an employee of the company in 2014-2015. At that time, he was earning about *Rs.20,000/-* in Qatar. Subsequently, at the time of the accident on 27th October 2022, he stated that he was working with *Kapil Kumar @ Kapil Garg*, Contractor, as also *SDG Infrastructure Private Limited* and earning *Rs.27,000/-* per month with other incentives.

6. In his cross-examination, however, he stated that he was

earning *Rs.24,000/-* per month at the time of the accident. He was unable to produce any income proof or salary receipt in support thereof and stated that he had become unconscious after the accident.

7. As per the testimony the claimant himself, he was earning *Rs.27,000/-* per month at the time. He was earlier stated to be earning *Rs. 20,000/-* per month in Qatar. However, during cross examination **PW1/** claimant stated that he earning *Rs.24,000/-* per month. In the absence of any documentary evidence or testimony from the contractor under whom he was working, it would be safe to assess his income at about *Rs.22,000/-* per month.

8. Reliance in this regard can be placed on the judgment of Supreme Court in ***Savita & Ors. v. National Insurance Co. Ltd***. 2026:DHC:3626 wherein principles have been culled out for assessment of benchmark income. The relevant paragraph is extracted as under:

> "***Guideposts***
> *30. Principles which may be culled out from these cases cited above, and be used as guidepost for assessment of benchmark income, can be summarised as under:*
> **…**
> ***C. Proof of employment***
> *i. If documents in support of employment inter alia, Salary/Wage Certificate, Income Tax Returns ('**ITRs**') have been filed, same shall be considered.*
> *ii. In the absence of such proof, assessment done by the Court has to be based on some intelligent guesswork and may not be restricted to the minimum wage parameter after taking into account a holistic analysis of the evidence on record. For example, place of employment, testimony of co-workers, or any other person who testifies in favour of the injured/deceased employee.*
> *iii. The entire assessment is ultimately imbued with an element of approximation and guesswork, as part of the inquiry proceedings and not on exactitude.*

> *iv. Reliance may be placed on State specific legislations, as well as Minimum Wage Notifications to lean on for support, in order to determine what qualifies as a skilled worker and an unskilled worker, with respect to the vocation of the victim.*
> …"

(emphasis supplied)

9. As regards the issue of attendant charges, although **PW-1** stated in his testimony that he had not engaged any nursing assistance, **PW-2**, Assistant Professor, Department of Neurosurgery, GIPMER, stated that the claimant had suffered *100%*permanent disability in relation to the bilateral lower limbs and *40% to 70%* neurological disability in the brain. He further stated that the claimant would be unable to walk on his own due to the said disability for the rest of his life. In these circumstances, it has to be presumed that the family members must be rendering attendant services to the claimant and, therefore, such gratuitous services would have to be compensated.

10. **PW2** categorically stated that the patient is *paraplegic* with loss of bowel and bladder sensation and his chance of recovery are zero. He stated that the injured was also conscious and oriented but he was not intellectually intact.

11. Reliance in this regard can be placed on the judgment of the Supreme Court in ***Chandramani Nanda v. Sarat Chandra Swain & Ors.***, 2024 INSC 777, wherein the Supreme Court recognised the value of attendant services rendered by family members to an injured claimant and awarded lump-sum compensation towards the same. Further, Supreme Court in ***Kajal v. Jagdish Chand,*** (2020) 4 SCC 413 also held that the tortfeasor cannot take benefit of the gratuitous service rendered by the family members, and that the family members are entitled to compensation for the loss of wages and the time spent

attending to the injured, including during hospitalisation.

12. The claimant was only 29 years of age on the date of the accident and is presently still in his early thirties. He therefore has his entire lifetime ahead of him, during which he would remain unable to walk independently or attend to even his basic needs without assistance.

13. In the facts of the present case, therefore, the absence of evidence regarding engagement of a paid attendant cannot, by itself, be a ground to deny compensation under this head. Considering claimant's permanent disability, and that he would require continued assistance in his day-to-day activities, the Court is of the view that the award of compensation towards attendant charges is justified. Even otherwise, the gratuitous service by the family member ought to be compensated.

14. This Court is of the opinion that, instead of awarding a lump-sum amount towards attendant charges, the multiplier method, which standardises the computation of compensation, ought to be adopted. It ensures not only uniformity and consistency but also facilitates the award of just compensation to a person who has suffered *100%* functional disability and is dependent upon gratuitous services rendered by a family member. In this regard, reliance can be placed on the decision in ***Kajal v. Jagdish Chand*** (*supra*). The relevant paragraphs are extracted below:

> "*Attendant charges*
>
> *22. The attendant charges have been awarded by the High Court @ Rs 2500 per month for 44 years, which works out to Rs 13,20,000. Unfortunately, this system is not a proper system. <u>Multiplier system is used to balance out various factors. When compensation is awarded in lump sum, various factors are taken into consideration. When compensation is paid in lump sum, this Court has always followed the multiplier system.</u>*

<u>The multiplier system should be followed not only for determining the compensation on account of loss of income but also for determining the attendant charges, etc.</u> This system was recognised by this Court in Gobald Motor Service Ltd. v. R.M.K. Veluswami [Gobald Motor Service Ltd. v. R.M.K. Veluswami, AIR 1962 SC 1] . <u>The multiplier system factors in the inflation rate, the rate of interest payable on the lump sum award, the longevity of the claimant, and also other issues such as the uncertainties of life. Out of all the various alternative methods, the multiplier method has been recognised as the most realistic and reasonable method. It ensures better justice between the parties and thus results in award of "just compensation" within the meaning of the Act.</u>

23. It would be apposite at this stage to refer to the observation of Lord Reid in Taylor v. O'Connor [Taylor v. O'Connor, 1971 AC 115 : (1970) 2 WLR 472 (HL)] : (AC p. 128)

> *"Damages to make good the loss of dependency over a period of years must be awarded as a lump sum and that sum is generally calculated by applying a multiplier to the amount of one year's dependency. That is a perfectly good method in the ordinary case but it conceals the fact that there are two quite separate matters involved — the present value of the series of future payments, and the discounting of that present value to allow for the fact that for one reason or another the person receiving the damages might never have enjoyed the whole of the benefit of the dependency. It is quite unnecessary in the ordinary case to deal with these matters separately. Judges and counsel have a wealth of experience which is an adequate guide to the selection of the multiplier and any expert evidence is rightly discouraged. But in a case where the facts are special I think that these matters must have separate consideration if even rough justice is to be done and expert evidence may be valuable or*

> *even almost essential. The special factor in the present case is the incidence of income tax and, it may be, surtax."*
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> ...
>
> *25. Having held so, we are clearly of the view that the basic amount taken for determining the attendant charges is very much on the lower side. We must remember that this little girl is severely suffering from incontinence, meaning that she does not have control over her bodily functions like passing urine and faeces. As she grows older, she will not be able to handle her periods. She requires an attendant virtually 24 hours a day. She requires an attendant who though may not be medically trained but must be capable of handling a child who is bedridden. She would require an attendant who would ensure that she does not suffer from bedsores. The claimant has placed before us a notification of the State of Haryana of the year 2010, wherein the wages for skilled labourer is Rs 4846 per month. We, therefore, assess the cost of one attendant at Rs 5000 and she will require two attendants which works out to Rs 10,000 per month, which comes to Rs 1,20,000 p.a., and using the multiplier of 18, it works out to Rs 21,60,000 for the attendant charges for her entire life. This takes care of all the pecuniary damages."*
>
> (*emphasis added*)

15. In these circumstances, the minimum wages applicable to a semi-skilled worker in Delhi on the date of the accident that is *Rs. 17,693/-* shall be taken as the basis for assessing the cost of one attendant. Considering that the claimant may require nursing assistance at various points of time, the same shall be taken into account while assessing the attendant charges. A suitable multiplier of 17, in terms of ***National Insurance Co. Ltd. v. Pranay Sethi***, (2017) 16 SCC 680, shall be applied, considering that the claimant was

29 years of age on the date of the accident. This assessment has been made having regard to the facts and circumstances of the present case and ought not to be construed as a precedent.

16. The revised compensation will be as under:

S. no.	Heads	Awarded by the Tribunal	Awarded by this Court
PECUNIARY LOSS			
1.	Expenditure on Medical Bills and medical treatment (A)	Rs. 15,99,734/-	Rs. 15,99,734/-
2.	Expenditure on conveyance (B)	Rs. 35,000/-	Rs. 35,000/-
3.	Expenditure on special diet (C)	Rs. 35,000/-	Rs. 35,000/-
4.	Attendant Charges (D)	Rs. 35,000/-	Rs. 17,693 x 12 x 17 = Rs. 36,09,272/-
5.	Income of injured per month(E)	Rs.20,357/-	Rs. 22,000/-
6.	Loss of income (F)	Rs. 1,22,142/-	Rs. 1,32,000/-
7.	Add: Future prospects (G)	40%	40%
8.	Multiplier (H)	17	17
9.	Functional disability (I)	100%	100%
10.	Loss of future income/future earnings (E+G) x H x Ix 12] = (J)	Rs. 58,13,959/-	Rs. 62,83,200/-
11.	Future medical expenses (K)	Rs. 5,00,000/-	Rs. 5,00,000/-
NON-PECUNIARY LOSS			
12.	Pain and suffering (L)	Rs. 1,00,000/-	Rs. 1,00,000/-
13.	Loss of amenities of life and future prospects (M)	Rs. 35,000/-	Rs. 35,000/-
14	Disfigurement (N)	Rs. 35,000/-	Rs. 35,000/-
15.	Total compensation (A + B + C + D+ F+J+K+L+M+N) = (O)	Rs. 83,10,835/-	Rs. 1,23,64,206/-
16.	Interest awarded	8% per annum	8% per annum
17.	Enhanced compensation	**Rs. 40,53,371/-**	

17. For the aforesaid reasons, compensation has been enhanced by *Rs.40,53,371*/- [“***enhanced amount***”].

18. It is therefore directed that enhanced amount along with *8%* interest per annum from the date of filing the petition shall be deposited before MACT 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. 50,000/-* each for periods of 3 month, 6 months, 9 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.

19. Accordingly, the appeal is disposed of.

20. Pending applications, if any, are rendered infructuous.

21. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

SEPTEMBER 02, 2026/mk/*zb*