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

% **Date of decision: 3rd February, 2026**

+ **MAC.APP. 479/2018**

TEK NARAYAN SHASTRI

.....Appellant

Through: Mr. Manish Mini, Ms. Astha
Chauhan, Ms. Anjali Singh,
Advocates.

versus

SUKHBIR SINGH & ORS (THE UNITED INDIA INSURANCE
CO LTD)Respondents

Through: Mr. Sankar N. Sinha, Advocate for
R-3.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J: (ORAL)

1. This appeal has been filed assailing the impugned awarded dated 6th January 2018 passed by the Motor Accident Claims Tribunal, Patiala House Courts, Delhi (*'MACT'*) in MACP No.419/2016 seeking enhancement of compensation awarded in favour of appellant/claimant. The accident occurred on 5th March 2015 at about 11:40 AM in front of *Banwari Lal Hospital at Panchkuia Road, New Delhi*, resulting in registration of FIR No.87/2015 at PS Mandir Marg.



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2. The offending vehicle was a DTC bus bearing registration no. DL-1PC-8698 which at the relevant time was being driven by respondent no.1 herein. MACT held that injuries sustained were as a result of rash and negligent driving of respondent no.1. The DTC bus was owned by respondent no.2 and insured by respondent no.3.

3. As regards the compensation, there are two aspects which are pressed by *Mr. Manish Maini*, counsel for claimant; ***firstly***, that considering injured/claimant was *65 years* of age on the date of accident and suffered amputation of the right leg, the non-pecuniary damages on account of *mental or physical shock, pain and suffering and loss of amenities* was collectively awarded at *Rs.60,000/-*, the same being highly inadequate. He relies upon the decision of Supreme Court in ***Mohd. Sabeer alias Shabir Hussain v. Regional Manager, U.P. State Road Transport Corporation.***, AIR 2023 SC 186, where in a similar situation of *70% disability and amputation, non-pecuniary compensation of Rs. 2,00,000/- each was awarded towards pain and suffering, loss of amenities, and disability/disfigurement.* The relevant paragraphs are extracted as under:

“ 24. The High Court has upheld the compensation awarded by the learned Tribunal for non-pecuniary damages, which comes to Rs 3,00,000 in total. Considering the nature of the permanent disability caused by the accident and the effect it will have on the appellant's life, this Court is of the opinion that the compensation provided by the High Court for non-pecuniary heads is inadequate.

25. In R.D. Hattangadi v. Pest Control (India) (P)



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Ltd. [R.D. Hattangadi v. Pest Control (India) (P) Ltd., (1995) 1 SCC 551 : 1995 SCC (Cri) 250] dealing with the different heads of compensation in injury cases this Court held that : (SCC p. 556, para 9)

“9. Broadly speaking while fixing the amount of compensation payable to a victim of an accident, the damages have to be assessed separately as pecuniary damages and special damages. Pecuniary damages are those which the victim has actually incurred and which are capable of being calculated in terms of money; whereas non-pecuniary damages are those which are incapable of being assessed by arithmetical calculations. In order to appreciate two concepts pecuniary damages may include expenses incurred by the claimant : (i) medical attendance; (ii) loss of earning of profit up to the date of trial; (iii) other material loss. So far as non-pecuniary damages are concerned, they may include : (i) damages for mental and physical shock, pain and suffering, already suffered or likely to be suffered in the future; (ii) damages to compensate for the loss of amenities of life which may include a variety of matters i.e. on account of injury the claimant may not be able to walk, run or sit; (iii) damages for the loss of expectation of life i.e. on account of injury the normal longevity of the person concerned is shortened; (iv) inconvenience, hardship, discomfort, disappointment, frustration and mental stress in life.”

26. In light of the above decision of this Court and the facts and circumstances of the case at hand, the compensation to be awarded is as follows:

- I. Compensation for pain and suffering — Rs 2,00,000*
- II. Compensation for loss of amenities of life — Rs 2,00,000*
- III. Compensation for disability and disfigurement — Rs 2,00,000”*



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4. He states that in this case too, appellant was working as an Astrologer and has been certified with 70% disability in relation to his right lower limb.

5. **Secondly**, it was contended that amount awarded towards *attendant charges, conveyance* and *special diet*, collectively given at Rs.60,000/- (Rs. 20,000/- under each head) was inadequate. He states that considering the situation of the injured/claimant who is on the wheelchair due to amputation of his right leg, the requirement of an attendant is unavoidable and, therefore, the amount given on that account is highly inadequate. The recent photographs of appellant have been placed on record by means of an application and the Court has perused the same.

6. Counsel for Insurance Company, however, states that accident had occurred in 2015, MACT's award came in 2018 and the compensation awarded on that account was adequate. He further states that as part of the compensation, Rs.3,00,000/- has been awarded on account of artificial limb.

7. In this view of the matter, on a considerate view and taking into account the decision of Supreme Court in **Mohd. Sabeer** (*supra*), non-pecuniary compensation collectively awarded at Rs.60,000/-, is enhanced to amount of Rs. 4,50,000/-, granting Rs. 1,50,000/- each on account of *mental or physical shock, pain and suffering, and loss of amenities*.

8. Regards the *attendant charges*, awarded at Rs 20,000/-, the amount is enhanced to Rs.2,70,000/- (*by additional amount of Rs.2,50,000/-*),



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taking into account the expenses incurred by the claimant.

9. The revised computation is as under:

S. no	Heads of Compensation	Awarded by Tribunal	Awarded by the Court
Pecuniary Loss			
1.	Expenditure on treatment (A)	Rs.1,07,645.90/-	Rs.1,07,645.90/-
2.	Conveyance (B)	Rs. 20,000/-	Rs. 20,000/-
3.	Special Diet (C)	Rs. 20,000/-	Rs. 20,000/-
4.	Attendant charges (D)	Rs. 20,000/-	Rs. 2,70,000/-
5.	Income of injured annually (E)	Rs. 1,50,000/-	Rs. 1,50,000/-
6.	Future prospects	Nil	Nil
7.	Loss of income (F)	Rs. 75,000/-	Rs. 75,000/-
8.	Functional disability (G)	50%	50%
9.	Multiplier (H)	7	7
10.	Loss of future income [Ex G x H]= I	Rs. 5,25,000/-	Rs. 5,25,000/-
Non-pecuniary loss			
11.	Mental or physical shock and Pain and suffering (J)	Rs. 60,000/-	Rs.4,50,000/- (Rs.1,50,000/- for each head)
12.	Future Treatment (K)	Rs.3,00,000/-	Rs.3,00,000/-
13.	Total (A+B+C+D+F+I+J+K=L)	Rs. 11,27,646/-	Rs.17,67,646/-
14.	Interest	9%	9%

10. Enhanced amount along with interest @ 9% per annum be deposited before the MACT within a period of four weeks and will be



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released in favour of claimant within a period of two weeks thereafter as per scheme of the impugned award.

11. Appeal stands disposed of with above directions.
12. Pending applications, if any, are rendered infructuous.
13. Statutory deposit, if any, be refunded to the appellant.
14. Judgment be uploaded on the website of this Court.

**ANISH DAYAL
(JUDGE)**

FEBRUARY 3, 2026/ak/zb