



2026:DHC:8736



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

*Reserved on: 28th September 2026.
Pronounced on: 05th October 2026.
Uploaded on: 06th October 2026.*

CNR No. DLHC011348482018
+ **MAC.APP. 490/2018 & CM APPL. 21237/2018**
SHRIRAM GENERAL INSURANCE CO LTDAppellant
Through: Mr. Sameer Nandwani & Mr.
Nakshatra Bhasin, Advocates
(through VC).
versus

SIMRAN KAUR & ORSRespondents
Through: Ms. Urvashi Sharma, Ms. Swati
Popli, Advocates (through VC).
Dr. Manish Dhawan, Senior
Consultant at Sir Ganga Ram
Hospital (through VC).

CNR No. DLHC010456742026
+ **MAC.APP. 626/2026**
SIMRAN KAURAppellant
Through: Ms. Urvashi Sharma, Ms. Swati
Popli, Advocates (through VC).
versus

**ASHID AND ORS (SHRIRAM GENERAL INSURANCE CO
LTD)**Respondents
Through: Mr. Sameer Nandwani & Mr.
Nakshatra Bhasin, Advocates for
Insurance Company (through
VC).
Dr. Manish Dhawan, Senior
Consultant at Sir Ganga Ram
Hospital (through VC).

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL
JUDGMENT

Signature Not Verified

Digitally Signed By: RAHUL
KUMAR CHAUDHARY
Signing Date: 06.10.2026
14:50:35

MAC.APP. 490/2018 & MAC.APP. 626/2026

Page 1 of 9



%

ANISH DAYAL, J.

1. These cross-appeal appeals have been filed assailing impugned award dated 13th March 2018, passed by the Motor Accident Claims Tribunal, Tis Hazari Courts, Delhi [hereinafter, '**MACT/Tribunal**'] in *MACT Case No. 477726/2016*, whereby compensation of Rs.14,89,090/, along with interest at the rate of 9% per annum, was awarded to the injured/claimant, namely *Ms. Simran Kumar* [hereinafter, '**impugned award**'].

2. *MAC.APP. 490/2018* has been filed by the Insurance Company, assailing compensation awarded to the injured/claimant under certain non-pecuniary heads, whereas *MAC.APP. 626/2026* has been filed by injured/claimant seeking enhancement of the compensation awarded.

The Incident

3. The impugned award arose out of an accident which occurred on 12th March 2016, when *Ms. Simran Kumar*, injured/claimant, who was a minor at the time, aged 15 years, was travelling on a bus, heading from *Ludhiana* to *Delhi* and *Jaipur*, along with her father. Upon reaching, *G.T. Road, Panchi Gujran cut*, the said bus was hit by a truck bearing registration no. *UP-78AN-9971*, which was being driven rashly and negligently. As a result of the said accident, injured/claimant suffered grievous injuries, leading to 66% permanent disability.

Submissions on behalf of the parties

4. *Mr. Sameer Nandwani*, counsel for Insurance Company, has challenged two components of the awarded compensation, **first**, grant of Rs.4,00,000/- towards '*loss of studies*' and **second**, grant of Rs.2,00,000/-



2026:DHC:8736



towards ‘*loss of marriage prospects*’. In this regard, *Mr. Nandwani* submitted that the injured/claimant ought to have placed on record, certain documentary evidence, such as her school marksheet or attendance record to establish the fact that she suffered “*loss of studies*” as a result of the said accident. Furthermore, he submitted that the nature of her injuries was not such as would adversely affect her future career prospects.

5. *Ms. Urvashi Sharma*, counsel for injured/claimant, on the other hand, has sought enhancement of the awarded compensation on account of *future treatment*, for which only an amount of ‘*Rs.1,00,000/-*’ had been granted, inspite of an estimation of ‘*Rs.10,00,000/-*’ being provided by *Sir Ganga Ram Hospital* for her future surgery. She stated that more than *10 years* have passed since the accident and that the injured/claimant has now attained the age of majority.

6. *Ms. Sharma*, counsel for injured/claimant, further submitted that the possibility of a corrective surgery would be able to reduce the suffering and disability of injured/claimant to some extent, particularly, when the disability was assessed as “*deformity of the left foot, including varus deformity of the heel, equinus deformity of the ankle, amputated toes and shortening of limb*”.

7. *Ms. Sharma*, counsel for injured/claimant, argued that the aforesaid surgery had been prescribed to injured/claimant, in order that the deformity in her left heel may be treated for better mobility. The Estimated Cost Certificate dated 03rd February 2026 had been appended along with the appeal as ‘*Annexure A-1*’, and was signed by *Dr. Manish Dhawan*, Senior Consultant, Department of Orthopaedics at *Sir Ganga*



Ram Hospital.

8. Pursuant to the aforesaid submission of *Ms. Sharma*, counsel for injured/claimant, Court Notice was issued to *Dr. Manish Dhawan, Senior Consultant, Sir Ganga Ram Hospital*, to enable him to testify regarding the certificate issued by him.

9. Accordingly, *Dr. Manish Dhawan, Senior Consultant, Department of Orthopaedics at Sir Ganga Ram Hospital*, had appeared before the Court, through VC, and deposed as under:

- i) That he is a limb correction specialist, and that the elective surgery that *Ms. Simran Kaur [injured/claimant herein]* is opting for is a specialized and complicated surgery, requiring at least three separate surgical procedures, which would aid in the recovery of her amputated toes as well as the limb which has been shortened as a result of the accident. The said surgery involves the use of a specialized software and technique which is not easily available. However, he receives a number of references, particularly for this purpose.
- ii) He further stated that the cost estimate given by him on 03rd February 2026, amounting to about *Rs.9,35,000/-* is a legitimate estimate, but is based on the option of the ‘*single room*’ category in the hospital, and if a slightly lower category of room is opted for, the cost would reduce by about *Rs.1,00,000/-*. The recovery following the surgery and the process as a whole, is a prolonged one and may take up to a year, since lengthening of the limb proceeds at a very slow pace.



10. Upon taking instructions from *Ms. Simran Kumar* [injured/claimant] in this regard, *Ms. Urvashi Sharma*, counsel for injured/claimant, submitted that it is not as if the injured/claimant was opting to take an expensive room and, thereby, incur a higher treatment cost, but was instead seeking to correct, in a reasonable manner, the huge impediment which had been caused to her by the accident, and keep herself safe from infections.

Analysis

11. Having heard the submissions of the parties as also the opinion of *Dr. Mahesh Dhawan*, this Court is of the view that, considering the prolonged treatment and complicated nature of the surgery, it was reasonable for the injured/claimant to expect a single room for her treatment, so as to ensure that her health and recovery are not exposed to any further risk. Further, in view of the testimony of *Dr. Dhawan*, who stated that the difference in cost would be only about *Rs.1,00,000/-*, it would not be appropriate to expose the injured/claimant to any additional health risk or bodily suffering.

12. Accordingly, the Court is inclined to grant a sum of *Rs.10,00,000/-*, to injured/claimant towards cost of said surgery/treatment, as sought, considering that there may be minor variations in the cost of this treatment.

13. As regards the issue raised by *Mr. Sameer Nandwani*, counsel for Insurance Company, of *Rs.4,00,000/-* being awarded towards *loss of studies* and *Rs.2,00,000/-* being awarded towards *loss of marriage prospects*, the same needs to be considered in context of the fact that the functional disability of injured/claimant had been assessed at 66%.



14. There are few facts which need to be placed in perspective, with respect to injured/claimant, which were elaborated upon by the MACT. **Firstly**, the MACT took note of the testimony of **PW-2, Dr. Naresh Chandra, Specialist and In-Charge of Orthopaedic Department, Guru Govind Singh, Government Hospital**, who deposed that she would not be able to walk and run as a normal human being.

15. Moreover, the injured/claimant was studying in the 8th standard at *Garden Valley International School* and was *16 years of age* at the time of the accident. The MACT accordingly noted there existed exceptional circumstances in the case, warranting a higher compensation, since the entire career of the injured/claimant had been spoiled due to the accident.

16. Injured/claimant had also been a champion at *Kho-Kho* and *Long Jump* and had a bright career in sports and academics. The MACT noted the precarious condition of her left leg, apparent from the photograph exhibited as **Ex.PW1/12**, which has also been perused by this Court, as well as the *Certificate of Appreciation*, exhibited as **Ex.PW1/10 (Colly.)**, recording that she had been securing the 3rd, 2nd and 1st positions at *Kho-Kho* and *Long Jump*, and awarded the compensation accordingly.

17. As regards the compensation to be awarded in cases of injury, the principles laid down by the Supreme Court in **Raj Kumar v. Ajay Kumar**, (2011) 1 SCC 343, are well established. As per the said principles, in cases involving injuries caused due to motor accidents, the compensation under non-pecuniary heads, shall be awarded towards *damages for pain and suffering, loss of prospects of amenities/loss of prospects of marriage, and loss of expectation of life.*



18. Accordingly, in case of a young girl, who has been deprived of the opportunity to lead a normal life due to the accident, it was not amiss for the MACT to award *Rs.2,00,000/-* towards *loss of marriage prospects* and *Rs.4,00,000/-* towards *loss of studies*. The ability to pursue academics and sports, develop a career, and in due course, establish a family of her own, are ordinary aspirations and expectations, forming an integral part of the normal course of life of any person. These are not merely aspirations for the future but aspects of life that injured/claimant would have reasonably expected to pursue had the accident not occurred. Therefore, having been deprived of the same on account of the accident, there is no reason why she ought not be adequately compensated for it.

19. Particularly, as regards the compensation awarded towards '*loss of studies*', similar views have also been taken by this Court in a number of decisions, *inter alia*, ***United India Insurance Co. Ltd. v. Sarfaraz Safi***, 2026 SCC OnLine Del 6310, wherein the Court had considered the impact of *loss of studies* upon the injured/claimant and concluded that the *loss of studies* would result in a corresponding *loss of amenities*. Accordingly, compensation awarded under the head of *loss of amenities* was enhanced by the Court.

20. The same was principle was then followed by this Court in ***Satish Kumar v. Kanika Sibal***, 2026 SCC OnLine Del 2441, wherein *loss of studies* was considered to relate to the overall deprivation suffered by the claimant during the period of disability and consequent disruption of academic progression, and was accordingly subsumed within *loss of amenities of life*.



21. In *Niketa Chauhan v. Suresh*, 2026 SCC OnLine Del 1459, the Court assessed the impact of the accident on the claimant's education and studies, leading to lack of progress in the claimant's ability to pursue a vocation and earn a livelihood. The Court, therefore, awarded compensation towards *loss of studies* and *loss of marriage prospects*.

22. In any event, compensation for injuries may broadly be assessed under three heads, namely, *pain and suffering*, *loss of amenities of life* including *loss of marriage prospects*, and *loss of expectation of life*. However, the question is not of the head of compensation itself, but the nature of loss which has been covered under each of these components. *Loss of studies* and *loss of marriage prospects* certainly fall within the broader head of *loss of amenities of life*. Further, considering that the said amount has already been granted, though under independent components, the Court is not inclined to reduce the compensation so awarded, as pleaded by the Insurance Company.

23. In view of the above as well as the settled position of law, as per which, the principle of '*just and fair compensation*' must always be kept in mind while awarding compensation under the Motor Vehicles Act, 1988, the Court does not find any reason to reduce the compensation awarded by the MACT.

Directions

24. Accordingly, Rs.10,00,000/- towards the cost of future surgery of injured/claimant, shall be deposited by the Insurance Company before the MACT, within a period of 4 weeks and shall be kept in an interest-bearing fixed deposit, with liberty to injured/claimant to withdraw from the said amount, as and when required. It is made clear that the said



2026:DHC:8736



amount shall be released to injured/claimant only upon production of requisite documents from the hospital, confirming that she has been planned for the surgery.

25. *Vide* order dated 21st May 2018, this Court had directed the Insurance Company to deposit the entire awarded amount before the MACT along with release of 30% of the said amount in favour of injured/claimant.

26. Accordingly, the balance amount, along with accrued interest thereon, if not already released, shall be released to the injured/claimant, as a lump sum, considering that the accident occurred way back in 2016.

27. Statutory amount, if any, shall be refunded to the Insurance Company, only if the order of deposit has been complied with.

28. Appeals are disposed in above terms.

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

30. Judgement be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

OCTOBER 05, 2026/MK/ya