



2026:DHC:2144



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 9<sup>th</sup> March 2026***+ **MAC.APP. 69/2025**

DEEPAK KUMAR

.....Appellant

Through: Ms. Pratima N. Lakra, Advocate.

versus

SHOPAL SINGH AND ORS.

.....Respondents

Through: Ms. Shruti Jain, Advocate, Mr. Yuvraj Sharma, Proxy Counsel, for Mr. Pankaj Seth, Advocate for R-3.

**CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J (ORAL)**

1. This appeal has been filed the claimant seeking enhancement of compensation award dated 31<sup>st</sup> January 2024, passed by the Motor Accident Claims Tribunal-02, Central, Tis Hazari Courts [**MACT**] in *MACT Petition No.57242/2016*. Claimant [*appellant herein*] seek enhancement to the tune of *Rs.15,10,000/-* under the head of *attendant charges*, *Rs.10,00,000/-* each under the head of *pain and sufferings*, *loss of enjoyment of life and growth*, and *Rs.5,00,000/-* for *conveyance charges* and *Rs.8,00,000/-* for *future medical expenses*.
2. *Ms. Pratima Lakra*, Counsel for appellant, informs the Court that pursuant to order dated 13<sup>th</sup> March 2020, of this Court in *MAC.APP.*



70/2019, the matter had been remanded back to the MACT for recording additional evidence in relation to the medical disability. Pursuant to the remand, an order of enhanced compensation was passed by the MACT in *MACT No.57242/2016*.

3. Post recording of evidence, the assessment of disability was increased from 37% to 56% in relation to the both lower limbs and the spine. On this basis, the additional medical bills filed to the tune of *Rs.1,66,154.64/-* were awarded as compensation, rounded off to *Rs.1,66,155/-*. Further, *loss of future earnings* due to disability was re-assessed considering that the claimant had become unemployed for the rest of his life. The Tribunal considered the *functional disability* at 100% for the purpose of assessment of compensation *qua* the entire body, since he was permanently incapable of carrying any other vocation. The monthly income had already been assumed at *Rs.10,374/-* and; considering the age of the petitioner being 29 years on the date of the accident, the multiplier of '17' was applied and the *loss of future earnings* was calculated as *Rs.10,374/-* adding 40% *future prospects* multiplied by 12. The enhanced compensation awarded by the MACT is summarised as under:

| S.NO.           | HEADS                    | AWARDED BY TRIBUNAL   |
|-----------------|--------------------------|-----------------------|
| 1.              | Medical Bills            | Rs.1,66,155/-         |
| 2.              | Income (Monthly)         | Rs.10,374/-           |
| 3.              | Multiplier               | 17                    |
| 4.              | Loss of Future Earning   | Rs.29,62,814/-        |
| 5.              | Future Attendant Charges | Rs.5,00,000/-         |
| <b>TOTAL</b>    |                          | <b>Rs.36,28,969/-</b> |
| <b>INTEREST</b> |                          | <b>8%</b>             |



### Analysis

4. While *Ms. Lakra*, Counsel for appellant, does not have any quarrel with this enhancement, she raises an issue with respect to *future attendant charges* and the *future medical expenses*, which, as per her submission, are recurring in nature.

5. As regards the *attendant charges*, only Rs.5,00,000/- was awarded. She states that this is not in consonance with the decision of the Supreme Court in *Jithendran v. New India Assurance Company Limited*, 2021 INSC 681 and *Prakash Chand Sharma v. Rambabu Saini & Anr.* 2025 INSC 180, wherein the *attendant charges* in both these judgments have been awarded at Rs.60,000/- per year (Rs.5,000/- per month) with the application of a suitable multiplier.

6. In the present case, since the multiplier applied would be '17', the attendant charges ought to have been Rs.60,000/- multiplied by 17, considering the attendant would be required throughout of his life.

7. On *future medical expenses*, she relies on the decision of *Jithendran v. New India Assurance Company Ltd. (supra)*, where future medical expenses at Rs.3,00,000/- were awarded on a broad assessment of the expenses which would be incurred for recurring investigations and treatment.

8. She further contends that non-pecuniary damages towards *pain and suffering* were accorded at Rs.1,00,000/-, which, according to her, ought to be enhanced, and that compensation towards *physical and mental agony* was not awarded by the Tribunal at all.

9. The Court has assessed the record. What is noted is that the functional disability has been considered at 100% by enhancement order



dated 31<sup>st</sup> January 2024. Considering that the same has not been challenged by the Insurance Company, the said issue cannot now be asserted by the Insurance Company.

10. Moreover, the MACT has taken into account the fact that injured was working as a 'Marketing Executive' and his injuries have made him incapacitated to even doing a desk work. Considering this condition of the claimant, the issue boils down to *attendant charges* for which an amount of only Rs.5,00,000/- has been awarded. By the original award dated 26<sup>th</sup> November 2016, a lump sum amount of Rs.30,000/- was awarded towards the attendant charges.

11. In the opinion of this Court, the amount awarded towards *attendant charges* is rather inadequate. Considering the nature of injuries suffered by the claimant and the finding of *100% functional disability*, it is evident that claimant would require the assistance of an attendant for his day-to-day activities for the remainder of his life. Even if assessed on a conservative basis, the remuneration of an attendant would at least be equivalent to the minimum wages payable in Delhi.

12. As per the minimum wages notification dated 10<sup>th</sup> November 2014, passed by the Labour Department, Government of NCT of Delhi, applicable at the relevant time, the wages for a skilled worker were Rs.10,478/- per month. However, the Supreme Court in *Jithendran v. New India Assurance Company Ltd.* (*supra*) and *Prakash Chand Sharma v. Rambabu Saini* (*supra*) has taken a reasonable benchmark of Rs.5,000/- per month for *attendant charges* and applied the appropriate multiplier. Applying the same principle in the present case, the *attendant charges* would be computed at Rs.60,000/- per annum, which, with the



multiplier of 17, would amount to *Rs.10,20,000/-*.

13. As regards *future medical expenses*, only a broad assessment can be done of the expenses which would be incurred, considering that the treatment record provided in the appeal, is only for February 2024 which notes that he had been admitted with the *Department of Urology, St. Stephen's Hospital, Delhi* and underwent *Visual Internal Urethrotomy with Suprapubic Catheter exchange under spinal anaesthesia* and states that at the time of discharge, his condition was stable and improved and *Suprapubic Catheter was in situ*.

14. It would be difficult to assess as to what would be the future medical expenses in this situation and whether they would be recurring or not. However, taking a broad view of the matter and since no amount has been provided for *future medical expenses*, following the decision in ***Jithendran v. New India Assurance Company Ltd.*** (*supra*), a lump sum amount of *Rs.3,00,000/-* is awarded.

15. As regards non-pecuniary damages towards *pain and suffering*, an amount of *Rs.1,00,000/-* has already been awarded. For *loss of amenities of life*, an amount of *Rs.1,00,000/-* has already been provided.

16. There could be some enhancement on these two heads, therefore, an amount of *Rs.3,00,000/-* on both these heads will be provided.

17. The approach adopted by the MACT in assessing compensation in cases of permanent disability must also take into account the broader impact of such disability on the life of the injured. As observed by the Supreme Court in ***Jithendran v. New India Assurance Co. Ltd*** (*supra*), permanent disability does not merely affect the earning capacity of the individual but also deprives the victim of normal amenities of life and



dignity of living. The Supreme Court emphasised that while monetary compensation cannot fully redress the suffering of the injured victim, courts must make a genuine attempt to restore the self-dignity of such claimants by awarding “*just compensation*”. Relevant paragraph is extracted as under:

*“19. Before parting, it needs emphasizing that in cases such as this, the Tribunal and the Courts must be conscious of the fact that the permanent disability suffered by the individual not only impairs his cognitive abilities and his physical facilities but there are multiple other non-quantifiable implications for the victim. The very fact that a healthy person turns into an invalid, being deprived of normal companionship, and incapable of leading a productive life, makes one suffer the loss of self-dignity. Such a Claimant must not be viewed as a modern day Oliver Twist, having to make entreaties as the boy in the orphanage in Charles Dickens’s classic, “Please Sir, I want some more”. The efforts must be to substantially ameliorate the misery of the claimant and recognize his actual needs by accounting for the ground realities. The measures should however be in correct proportion. As is aptly said by Justice R.V Raveendran, while speaking for the Division Bench in Sarla Verma and Others Vs. Delhi Transport Corporation and Another (2009)6 SCC 121 , just compensation is adequate compensation and the Award must be just that- no less and no more. The plea of the victim suffering from a cruel twist of fate, when asking for some more, is not extravagant but is for seeking appropriate recompense to negotiate with the unforeseeable and the fortuitous twists is his impaired life. Therefore, while the money awarded by Courts can hardly redress the actual sufferings of the injured victim (who is deprived of the normal amenities of life and suffers the unease of being a burden on others), the courts can make a genuine attempt to help restore the*



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self-dignity of such claimant, by awarding 'just compensation'."

(emphasis added)

18. In view of the above discussion, the compensation payable to the claimant is recomputed as under:

| S. NO.                    | HEADS                                                                                                     | AWARDED BY MACT<br>[Original Award]      | AWARDED BY MACT<br>[Enhanced Award] | AWARDED BY THIS COURT |
|---------------------------|-----------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------|-----------------------|
| <b>PECUNIARY LOSS</b>     |                                                                                                           |                                          |                                     |                       |
| 1.                        | Expenditure on treatment (A)                                                                              | Rs.1,91,605/-                            | Rs.1,66,155/-                       | Rs.1,66,155/-         |
| 2.                        | Expenditure on conveyance (B)                                                                             | Rs.20,000/-                              | Nil                                 | Nil                   |
| 3.                        | Expenditure on special diet (C)                                                                           | Rs.20,000/-                              | Nil                                 | Nil                   |
| 4.                        | Cost of nursing / attendant (D)                                                                           | Rs.30,000/-                              | Rs.5,00,000/-                       | Rs.10,20,000/-        |
| 5.                        | Loss of earning capacity (E)                                                                              | Rs.10,58,148/-                           | Rs.29,62,814/-                      | Rs.29,62,814/-        |
| 6.                        | Loss of income (F)                                                                                        | Rs.1,24,488/-<br>[Rs.10,374/- per month] | Nil                                 | Nil                   |
| 7.                        | Any other loss which may require any special treatment or aid to the injured for the rest of his life (G) | Nil                                      | Nil                                 | Nil                   |
| 8.                        | Future Medical Expenses                                                                                   | Nil                                      | Nil                                 | Rs.3,00,000/-         |
| <b>NON-PECUNIARY LOSS</b> |                                                                                                           |                                          |                                     |                       |
| 9.                        | Compensation for mental and physical shock (H)                                                            | Nil                                      | Nil                                 | Nil                   |
| 10.                       | Pain and suffering (I)                                                                                    | Rs.1,00,000/-                            | Rs.1,00,000/-                       | Rs.3,00,000/-         |
| 11.                       | Loss of amenities of life (J)                                                                             | Rs.1,00,000/-                            | Rs.1,00,000/-                       | Rs.3,00,000/-         |
| 12.                       | Disfiguration (K)                                                                                         | Nil                                      | Nil                                 | Nil                   |



|                                                         |                                                                                                                                          |                           |                            |                            |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------|----------------------------|
| 13.                                                     | Loss of marriage prospects (L)                                                                                                           | Included in Amenities     | Nil                        | Nil                        |
| 14.                                                     | Loss of earning, inconvenience, hardships, disappointment, frustration, mental stress, dejection and unhappiness in future life etc. (M) | Nil                       | Nil                        | Nil                        |
| <b>DISABILITY RESULTING IN LOSS OF EARNING CAPACITY</b> |                                                                                                                                          |                           |                            |                            |
| 15.                                                     | Percentage of disability assessed and nature of disability as permanent or temporary                                                     | 37% permanent disability  | 56% permanent disability   | 56% permanent disability   |
| 16.                                                     | Loss of amenities or loss of expectation of life span on account of disability                                                           | Considered                | Considered                 | Considered                 |
| 17.                                                     | Percentage of loss of earning capacity in relation to disability                                                                         | 50% functional disability | 100% functional disability | 100% functional disability |
| 18.                                                     | Loss of future income (Income X% Earning capacity x Multiplier)                                                                          | Rs.10,58,148/-            | Rs.29,62,814/-             | Rs.29,62,814/-             |
|                                                         | <b>TOTAL COMPENSATION</b>                                                                                                                | <b>Rs.16,43,605/-</b>     | <b>Rs.36,28,969/-</b>      | <b>Rs.50,48,969/-</b>      |
|                                                         | <b>INTEREST AWARDED</b>                                                                                                                  | <b>9%</b>                 | <b>8%</b>                  | <b>8%</b>                  |

19. For the aforesaid reasons, the award of the Tribunal is enhanced by Rs.14,20,000/-. Said amount shall be deposited by the Insurance Company along with accrued interest at the rate of 8% per annum, within eight weeks from today, before the Tribunal.

20. Compensation to be disbursed to the claimant as per the directions passed by the Tribunal.

21. Accordingly, the Appeal stands disposed of.



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22. Pending applications, if any, are rendered infructuous.
23. Judgment be uploaded on the website of this Court.

**(ANISH DAYAL)**  
**JUDGE**

**MARCH 9, 2026/ak/tk**