



2026:DHC:2383



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 11th March 2026**+ **MAC.APP. 220/2019 & CM APPL. 6072/2019**

UNITED INDIA INSURANCE CO LTDAppellant

Through: Mr. Pradeep Gaur, Advocate

versus

SATYA PAL SINGH & ORSRespondent

Through: Mr. Yogesh Dagar, Adv. for R-1.

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

1. This appeal has been filed by Insurance Company challenging the award dated 12th December 2018, passed by Motor Accidents Claims Tribunal, Tis Hazari Courts [*'MACT'*] in *MACP No.77393/2016*, whereby an amount of *Rs. 20,38,000/-* along with interest @ 9% per annum was awarded as compensation to respondent no.1/ injured.

2. Accident occurred on 20th November 2014 at about 07:00 a.m., when respondent no.1/injured was standing on the side of the road at *Kanishka Garden, Main Rohtak Road, Nangloi, Delhi*, when suddenly a truck bearing registration no. '*HR-56A-7100*' [*'offending vehicle'*] came at a very high speed in a rash and negligent manner and hit respondent no.1/injured. The said vehicle was driven by respondent no.2, owned by respondent no.3 and



insured by appellant/ Insurance Company. Respondent no.1/injured fell down and the offending vehicle ran over the legs of the respondent no.1, due to which, he sustained crush injuries. Respondent no.1/injured was moved to ESI hospital for treatment.

3. **FIR No. 907/2014** under *Sections 279/337* of the Indian Penal Code 1860 [*‘IPC’*] at *Police Station Nangloi* and a chargesheet was filed against respondent no.2/driver.

Analysis

4. *Mr. Pradeep Gaur*, counsel appearing on behalf of appellant/Insurance Company, has raised the following grounds which are dealt with as under:

- i. **Firstly**, that the FIR was registered after 20 days, and therefore, this aspect ought to have been taken into account by the MACT. The MACT, in its award, while deciding **Issue No. 1** [*Whether the petitioner Satya Pal Singh suffered injuries on 20.11.2014 at about 07:00 am at Main Rohtak Road, in front of Krishna Garden, Nangloi, Delhi in a vehicular accident involving a Ashoka Leyland Truck bearing registration No.HR-56A-7100 due to wrongful act or negligence of respondent No.1 Rajesh, who was driving the vehicle? OPP*], noted that claimant examined himself as **PW-1** and explained the mode and manner of the accident. *Satya Pal Singh [PW-1]*, was not cross-examined by the driver and owner to disprove his version of what he had stated, and since his testimony remained unchallenged and



uncontroverted, the negligence was stated to be proved by the claimant. On 28th November 2014, **DD No.12A** was registered at *Police Station Nangloi*, where one Constable named *Anand* informed the control room that the truck bearing registration no. '*HR-56A-7100*'/ offending vehicle caused an accident and had sped away towards *Mundka*. The information was given to ASI *Rajbir Singh* for further inquiry. The claimant was removed to the hospital on 20th November 2014 at 7:50 a.m. with the history of the road traffic accident as recorded in the MLC. In view of these circumstances, the MACT was correct and was not amiss in deciding Issue No.1 in favour of the claimant.

- ii. **Secondly**, the multiplier of '*11*' ought to have been adopted since the claimant was 3 months short of turning 51, and, therefore, the category of '*51 to 55*' years ought to have been taken. This Court has opined repeatedly that the age categories provided by the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680 and *Sarla Verma v. DTC* (2009) 6 SCC 121, are to be considered as per completed age and not on a subjective view of how many months are left to complete that age. Accordingly, admittedly the claimant was 3 months short of 51 years of age, multiplier applicable to age group of '*46 to 50*' years will be adopted, i.e., '*13*'. Therefore, this Court if of the view that the MACT was correct and was not amiss in deciding the multiplier.
- iii. **Thirdly**, it is contended that disability ought to have been



considered at 60% towards the whole body. The Disability Certificate is exhibited as **Exhibit PW1/C**, which shows that there is 90% permanent disability with respect to both the limbs, which have been amputated below knees. The evidence of **PW-2/Dr. Sanjay Kumar**, is also noted in proving the Disability Certificate, wherein he states that the patient would have to arrange for artificial lower limbs in order to walk and to carry out his daily chores. In view of this evidence on record, and considering that the claimant has lost both his lower limbs, it was not amiss for the MACT to have adopted 90% functional disability.

- iv. **Fourthly**, an issue was taken with regard to excessive compensation in non-pecuniary damages towards *pain and suffering, loss of amenities, and disfigurement*. However, considering the disfigurement, it is noted, taking into account the Supreme Court judgment in **Raj Kumar v. Ajay Kumar & Anr.** (2011) 1 SCC 343, that in case of double amputation of both the limbs, the *loss of livelihood* as well as of *amenities* and *pain and suffering* is amplified for an injured claimant. Accordingly, the amounts awarded by the MACT at Rs.2,25,000/- for *pain and suffering, and trauma*, and Rs.1,50,000/- for *loss of amenities and disfigurement*, are not amiss.
- v. **Fifthly**, as regards the other aspects of the matter, the Court has also perused the photographs which have been appended in compliance with the order dated 31st May 2019, which have been



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filed by the appellant/Insurance Company and which show that the claimant has been amputated on both legs.

5. Accordingly, in this view of the matter, the plea of the Insurance Company, cannot be accepted, and, therefore, the appeal is dismissed.
6. Pending applications (if any) are rendered infructuous.
7. Statutory deposit (if any) shall be returned to the appellant.
8. Judgement be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

MARCH 11, 2026/RK/tk