



2026:DHC:2895



§~9 & 10

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

% ***Date of decision: 23<sup>rd</sup> March 2026***

(9)

+ **MAC.APP. 248/2021**

SH. MAHENDER YADAV .....Appellant

Through: Mr. Manish Maini, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR

.....Respondents

Through: Mr. Siddhant Nath, Standing Counsel  
with Mr. Bhavishya Makhija and Mr.  
Amaan Khan, Advs. for MCD.

(10)

+ **MAC.APP. 84/2022 & CM APPL.14468/2022**

SOUTH DELHI MUNICIPAL CORPORATION .....Appellant

Through: Mr. Siddhant Nath, Standing Counsel  
with Mr. Bhavishya Makhija and Mr.  
Amaan Khan, Advs. for MCD.

versus

MAHENDER YADAV & ANR.

.....Respondents

Through: Mr. Manish Maini, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**JUDGMENT**

**ANISH DAYAL, J (ORAL)**

1. ***MAC.APP. 248/2021*** has been filed by claimant seeking enhancement of compensation awarded by the MACT, South-West District, Dwarka



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Courts, New Delhi [*MACT*] by award dated 26<sup>th</sup> June 2020 in *MACP No.175/2016* for Rs.8,00,000/- with interest at 9% per annum from the date of the filing of the Detailed Accident Report [*DAR*].

2. *MAC.APP. 84/2022* has been filed by the South Delhi Municipal Corporation [now Municipal Corporation of Delhi (“*MCD*”)] seeking reduction of compensation, which has been awarded by the MACT.

3. Accident occurred on 6<sup>th</sup> April 2014 at about 10:35 a.m. when *Mahender Yadav* [*claimant*] was going on a cycle to perform his duty. He was riding on the extreme left side of the road. When he reached *Old Palam Road near DDA flats, Sector-14 Dwarka*, a truck bearing registration no. *DL-1GC-1371* [*offending vehicle*] driven by respondent no.2 in a rash and negligent manner, came from behind and hit the claimant. On the basis of evidence on record, criminal proceedings were initiated by FIR No.230/2014 under Sections 279/338 of the Indian Penal Code 1860 [*IPC*], at *Police Station Dwarka North*. MACT held that the injuries sustained by claimant were due to the rash and negligent driving of the offending vehicle.

4. As regards compensation, following issues have been agitated by *Mr. Manish Maini*, counsel for claimant:

- (i) MACT estimated *functional disability* at 30%, despite the permanent physical disability being certified at 57% in relation to *left lower limb*, particularly considering that the vocation of claimant was to deliver goods by cycle.
- (ii) That non-pecuniary damages, which have been awarded are inadequate towards *pain and suffering, loss of amenities, and mental and physical shock*.

5. *Mr. Siddhant Nath*, counsel appearing on behalf of MCD, has,



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however, contended that age considered by MACT was *45 years*, which is incorrect, since the PAN card which was produced before MACT would show that, on the date of accident, his age was *54 years*, as also reflected in the Aadhaar card which formed part of the record. Therefore, the multiplier used should be '*11*'.

### **Analysis**

6. The contentious issue of age must be addressed, particularly considering there has been a large variance in age claimed by claimant at various stages of the proceedings. In the MLC report issued in 2014, he was stated to be about *42 years* of age. When examined in Court in 2018, he stated that he was about *44 years* of age. When examined later regarding needs and liabilities, he stated that he was *42 years* of age. The PAN card, produced before the MACT showed him to have been born on 1<sup>st</sup> January 1960, making him about *54 years* of age on the date of the accident.

7. Keeping this variance in mind, MACT disregarded the PAN card, stating that there were glaring discrepancies and that PAN card as proof of date of birth could not be relied upon, and there was no other personal document of claimant to verify the same. The MACT, therefore, assumed claimant's age to be *45 years* on the date of the accident and applied a multiplier of '*14*' and *future prospects* at 25%. It has, however, come to light that the Aadhaar card, which was filed before MACT, also showed his date of birth as 1<sup>st</sup> January 1960, which was the same as reflected in the PAN card. For ease of reference said assessment is extracted as under:

*“Age: There is some confusion regarding the age of the petitioner. In his MLC issued in 2014, he is stated to be about 42 years old. When he was examined in Court in 2018, he stated that he is about 44 years old. Later when he was examined regarding his needs and liabilities, he stated that he*



*was 42 years old. He seems to be growing younger with time. On the other hand, his PAN card shows that he was born on 01.01.1960, making him about 54 years old in 2014. This tribunal has come across PAN cards of litigants in a number of cases where the date of birth is mentioned as 1<sup>st</sup> of January and realized that relying upon the PAN card as a proof of date of birth can be fraught with danger due to glaring discrepancies and gross inaccuracies as compared to other documents. Therefore, unless the petitioner has found the elixir of life or the fountain of eternal youth, which is highly unlikely, it can be safely concluded that the date of birth on his PAN card as well as his own versions of his age seem inaccurate. Unfortunately, there is no other personal document of the petitioner on record. The MLC and other medical documents are more reliable as these are verified by the police. In his written submissions, the petitioner himself claims his age at the relevant time to be 45 years and seeks a multiplier of '14' which is applicable in the range of 41 to 45 years. This figure can be safely relied upon for deciding the curious case of petitioner Mahender Yadav as it is proximate to the age mentioned in the MLC but higher than that. Hence, he will be entitled to future prospects @ 25% as he was about 45 years of age at the time of accident and was having fixed salary. Further, in terms of the principles laid down in the case Sarla Verma vs. DTC a multiplier of 14 would be applicable to the present case. The same multiplier and future prospects would be applicable even if he is considered to have been 42 years old at the time of the accident, as mentioned in his MLC. Therefore, the loss of future prospects /income is calculated as....Hence, the petitioner shall be entitled to compensation of Rs.5,57,802/- as compensation under this head."*

8. It is not disputed by Mr. Maini, counsel for claimant, that the Aadhaar card, which was filed before MACT showed his date of birth as 1<sup>st</sup> January 1960. However, he has now produced a copy of the revised Aadhaar card, which has been issued much after the proceedings before the MACT were



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concluded, showing that his age was *42 years* on the date of the accident.

9. *Mr. Maini*, counsel for claimant, further relies upon medical documents such as MLC report, discharge summary and Permanent Disability Certificate to show that claimant was *42 years* of age at the time of the accident.

10. The Court, however, is not inclined to accept the plea of claimant in this regard and rather finds the contention of MCD to be tenable. The medical documents are all interconnected, considering that the MLC would have recorded the age as stated to the admitting doctors at that time, and this would have continued into the discharge summary and the Permanent Disability Certificate. It is a matter of record that there was no other age proof provided by the claimant except subsequently during the MACT proceedings in the form of Aadhaar card and PAN card. These medical entries, therefore, cannot override the contemporaneous identity documents placed on record during the proceedings.

11. The Supreme Court in *Saroj & Ors. v. IFFCO-Tokio General Insurance Co. Ltd.* 2024 INSC 816, taking note of *Circular No.08/2023 dated 22<sup>nd</sup> December 2023* issued by Unique Identification Authority of India [*UIDAI*], has categorically observed that Aadhaar is primarily proof of identity and not per se proof of date of birth, and that determination of age must rest on documentary material having greater evidentiary value. The Court accordingly accorded primacy to the School Leaving Certificate and upheld the determination of age on that basis. Said principle underscores that where conflicting material regarding age is placed on record, the Court is required to assess the relative evidentiary value of the documents and rely upon the material which inspires greater confidence. For ease of reference,



relevant paragraphs are extracted as under:

*“9.4 The second aspect is the age of the deceased. The High Court, relied on the age as mentioned in the Aadhar Card of the deceased, i.e., 1<sup>st</sup> January, 1969. However, as submitted by the claimant-appellants, the School Leaving Certificate records the date of birth of the deceased to be 7<sup>th</sup> October, 1970. This will affect the multiplier to be applied. Let us now consider this question. It has to be noted at the outset that a School Leaving Certificate has been accorded statutory recognition. Sub-section (2) of Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 reads thus:*

*“(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining*

*—*  
*(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;*

*(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;*

*(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board...”*

*(Emphasis Supplied)*

*Whether the Aadhar Card is sufficient proof of a person’s age, has come up for consideration before some High Courts, albeit in the context of different statutes. We shall refer to a few instances but, prior to doing so, it is also important to take note of the purpose behind introduction of the Aadhar Scheme. In the Constitution Bench judgment in **K.S. Puttaswamy v. Union of India** (2019) 1 SCC 1(5-J.)4 Dr.*



*A.K. Sikri, J. wrote as hereinbelow extracted, encapsulating the object and purpose of Aadhar:*

*“ 24. Before advertng to the discussion on various issues that have been raised in these petitions, it would be apposite to first understand the structure of the Aadhaar Act and how it operates, having regard to various provisions contained therein. UIDAI was established in the year 2009 by an administrative order i.e. by resolution of the Govt. of India, Planning Commission, vide notification dated January 28, 2009. The object of the establishment of the said Authority was primarily to lay down policies to implement the Unique Identification Scheme (for short the ‘UIS’) of the Government, by which residents of India were to be provided unique identity number. The aim was to serve this as proof of identity, which is unique in nature, as each individual will have only one identity with no chance of duplication. Another objective was that this number could be used for identification of beneficiaries for transfer of benefits, subsidies, services and other purposes. This was the primary reason, viz. to ensure correct identification of targeted beneficiaries for delivery of various subsidies, benefits, services, grants, wages and other social benefits schemes which are funded from the Consolidated Fund of India ...*

*Summing up the Scheme:*

*62. The whole architecture of Aadhaar is devised to give unique identity to the citizens of this country. No doubt, a person can have various documents on the basis of which that individual can establish her identity. It may be in the form of a passport, Permanent Account Number (PAN) card, ration card and so on. For the purpose of enrolment itself number of documents are prescribed which an individual can produce on the basis of which Aadhaar card can be issued. Thus, such documents, in a way, are also proof of identity. However, there is a fundamental*



*difference between the Aadhaar card as a means of identity and other documents through which identity can be established. Enrolment for Aadhaar card also requires giving of demographic information as well as biometric information which is in the form of iris and fingerprints. This process eliminates any chance of duplication. .... It is for this reason the Aadhaar card is known as Unique Identification (UID). Such an identity is unparalleled.”*

*(Emphasis supplied)*

**9.5** *Turning back to the question of whether Aadhar Card can serve as a proof of age, a perusal of some High Court judgments reveals that this question has been considered on quite a few occasions in the context of the JJ Act. Illustratively, in Manoj Kumar Yadav v. State of M.P.<sup>5</sup> a learned Single Judge of the Madhya Pradesh High Court held that when it comes to establishing the age, on a plea of juvenility the age mentioned in the Aadhar Card could not be taken as a conclusive proof in view of Section 94 of the JJ Act. Similar observations have been made in Shahrugh Khan v. State of M.P. holding that if the genuineness of the School Leaving Certificate is not under challenge, the said document has to be given due primacy.*

*The Punjab & Haryana High Court in the context of the Prohibition of Child Marriage Act, 2006, in Navdeep Singh & Anr. v. State of Punjab & Ors. held that Aadhar Cards were not “firm proof of age”. Observations similar in nature were also made in Noor Nadia & Anr. v. State of Punjab & Ors.<sup>8</sup>, Muskan v. State of Punjab as well as several other orders/judgments, in various contexts.*

*Views aligning with the one referred to above have been taken by the High Court of Judicature of Allahabad in Parvati Kumari v. State of U.P.; the Himachal Pradesh High Court in Kumit Kumar v. State of H.P. and the High Court of Kerala in Sofikul Islam v. State of Kerala.*

**9.6** *We find that the Unique Identification Authority of India<sup>13</sup>, by way of its Circular No.08 of 2023, has stated, in reference to an Office Memorandum issued by the Ministry*



*of Electronics and Information Technology dated 20th December 2018, that an Aadhar Card, while can be used to establish identity, it is not per se proof of date of birth. This office memorandum dated 20th December, 2018 was taken note of by a learned Division Bench of the Bombay High Court in State of Maharashtra v. Unique Identification Authority of India And Ors.14 in its order dated 28<sup>th</sup> July, 2023. The Circular is extracted hereinbelow for ready reference: .....*

.....

*10. That being the position, as it stands with respect to the determination of age, we have no hesitation in accepting the contention of the claimant-appellants, based on the School Leaving Certificate. Thus, we find no error in the learned MACT's determination of age based on the School Leaving Certificate."*

12. It is stated by *Mr. Maini*, counsel for claimant, that the claimant was illiterate and, therefore, there were no school documents available. The updation of the Aadhaar card subsequent to the MACT proceedings cannot be considered, as the same was effected after conclusion of proceedings and cannot displace contemporaneous material already forming part of the record. At the time of the proceedings before MACT, both the PAN card and Aadhaar card reflected claimant's date of birth as 1<sup>st</sup> January 1960. While Aadhaar by itself may not constitute conclusive proof of date of birth, as noticed above, consistency between contemporaneous identity documents placed on record lends assurance to the correctness of the date reflected in the PAN card. Accordingly, the said material provides a more reliable basis for determination of age than the approximate entries recorded in medical documents.

13. PAN card and Aadhaar card had been placed on record in response to statement recorded on 19<sup>th</sup> of December 2018, when the query by the Court



was whether he had any bank account, the details of which were to be furnished. In response, he filed his bank passbook, PAN card and Aadhaar card.

14. Accordingly, it would be apposite that the age at the date of accident would be treated as *54 years*.

15. Considering claimant was *54 years* of age, a multiplier '*11*' would be applicable as per the principles laid down in *Sarla Verma v. DTC* (2009) 6 SCC 121, and *future prospects* would also be taken as *10%* as per *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680, considering claimant was *self-employed*.

16. As regards *functional disability*, considering that claimant's vocation was to deliver goods by bicycle, said livelihood would be completely impeded due to permanent disability affecting the *left lower limb* and restricting mobility essential for such work. The Permanent Disability Certificate shows that it is an operated case of *femur and tibia with stiff knee and stiff ankle* which is permanent in nature.

17. Considering that the Permanent Disability Certificate records *57%* disability in relation to the *left lower limb* and claimant's vocation required continuous physical mobility for delivery of goods by bicycle, the functional disability in the present case is assessed at *57%* itself in terms of the principles laid down in *Raj Kumar v. Ajay Kumar* (2011) 1 SCC 343.

18. The Supreme Court in *Raj Kumar v. Ajay Kumar* (*supra*), clarified that assessment of the consequences of permanent disability cannot be undertaken mechanically on the basis of the percentage of physical disability alone, and that the Tribunal is required to examine the nature of the claimant's avocation, the functional limitations resulting from the disability,



and the extent to which such disability affects earning capacity. It was emphasized that the percentage of permanent disability with reference to the whole body does not ipso facto represent the percentage of loss of earning capacity, which must be determined on the basis of the evidence on record and the actual impact of the disability on the claimant's ability to pursue his vocation. Relevant paragraphs are extracted as under:

*“13. Ascertainment of the effect of the permanent disability on the actual earning capacity involves three steps. The Tribunal has to first ascertain what activities the claimant could carry on in spite of the permanent disability and what he could not do as a result of the permanent disability (this is also relevant for awarding compensation under the head of loss of amenities of life). The second step is to ascertain his avocation, profession and nature of work before the accident, as also his age. The third step is to find out whether (i) the claimant is totally disabled from earning any kind of livelihood, or (ii) whether in spite of the permanent disability, the claimant could still effectively carry on the activities and functions, which he was earlier carrying on, or (iii) whether he was prevented or restricted from discharging his previous activities and functions, but could carry on some other or lesser scale of activities and functions so that he continues to earn or can continue to earn his livelihood.*

*14. For example, if the left hand of a claimant is amputated, the permanent physical or functional disablement may be assessed around 60%. If the claimant was a driver or a carpenter, the actual loss of earning capacity may virtually be hundred per cent, if he is neither able to drive or do carpentry. On the other hand, if the claimant was a clerk in government service, the loss of his left hand may not result in loss of employment and he may still be continued as a clerk as he could perform his clerical functions; and in that event the loss of earning capacity will not be 100% as in the case of a driver or carpenter, nor 60% which is the actual physical disability,*



*but far less. In fact, there may not be any need to award any compensation under the head of “loss of future earnings”, if the claimant continues in government service, though he may be awarded compensation under the head of loss of amenities as a consequence of losing his hand. Sometimes the injured claimant may be continued in service, but may not be found suitable for discharging the duties attached to the post or job which he was earlier holding, on account of his disability, and may therefore be shifted to some other suitable but lesser post with lesser emoluments, in which case there should be a limited award under the head of loss of future earning capacity, taking note of the reduced earning capacity.*

*15. It may be noted that when compensation is awarded by treating the loss of future earning capacity as 100% (or even anything more than 50%), the need to award compensation separately under the head of loss of amenities or loss of expectation of life may disappear and as a result, only a token or nominal amount may have to be awarded under the head of loss of amenities or loss of expectation of life, as otherwise there may be a duplication in the award of compensation. Be that as it may.”*

(emphasis added)

19. As regards non-pecuniary damages, only Rs.60,000/- each has been awarded towards *pain and suffering and loss of amenities*, which ought to be enhanced. Compensation for *mental and physical shock*, which has been awarded at Rs.20,000/-, shall stand absorbed within the compensation awarded towards loss of *pain and suffering* so as to avoid duplication, as stated in ***Raj Kumar v. Ajay Kumar & Anr*** (*supra*). Therefore, *pain and suffering* is enhanced to Rs.2,00,000/- and *loss of amenities* is enhanced to Rs.1,50,000/-.

20. Since there is no other challenge to any other part of the compensation, the revised compensation is as under:



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SR. NO.	HEADS	AWARDED BY THE TRIBUNAL	AWARDED BY THIS COURT
<b>PECUNIARY LOSS</b>			
1.	Expenditure on treatment (A)	Rs.30,712/-	Rs.30,712/-
2.	Expenditure on conveyance (B)	Rs.15,000 /-	Rs.15,000 /-
3.	Expenditure on special diet (C)	Rs.15,000 /-	Rs.15,000 /-
4.	Cost of nursing / attendant (D)	Rs.15,000 /-	Rs.15,000 /-
5.	Loss of earning capacity (E)	Rs. 5,57,802/-	Rs. 7,32,800/-
6.	Loss of income (F)	Rs.25,662/- [Rs.8854/- x 3 Months]	Rs.25,662/-
7.	Any other loss which may require any special treatment or aid to the injured for the rest of his life (G)	Nil	Nil
8.	Future Medical Expenses	Nil	Nil
<b>NON PECUNIARY LOSS</b>			
9.	Compensation for mental and physical shock (H)	Rs.20,000 /-	Assessed with pain and suffering
10.	Pain and suffering (I)	Rs. 60,000/-	Rs.2,00,000/-
11.	Loss of amenities of life (J)	Rs.60,000 /-	Rs.1,50,000/-
12.	Disfiguration (K)	Nil	Nil
13.	Loss of marriage prospects (L)	Nil	Nil
14.	Loss of earning, inconvenience, hardships, disappointment, frustration, mental stress, dejection and unhappiness in future life etc. (M)	Nil	Nil
<b>DISABILITY RESULTING IN LOSS OF EARNING CAPACITY</b>			
15.	Percentage of disability assessed and nature of disability as permanent or temporary	57%	57%
16.	Loss of amenities or loss of expectation of life span on account of disability	Assessed above	Assessed above
17.	Percentage of loss of earning capacity in relation to disability	30%	57%
18.	Loss of future income (Income X% Earning capacity x Multiplier)	Rs.5,57,802/- [Rs.8854/- +25%	Rs. 7,32,800/- [Rs.8854/- +10%



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		x12x14x30%]	x12x11x57%] [Round off Rs.7,32,792.456/-]
<b>TOTAL COMPENSATION</b>	<b>Rs.8,00,000/-</b> <b>[Round Off Rs.7,99,176/-]</b>		<b>Rs.11,69,174/-</b>
<b>INTEREST AWARDED</b>	<b>9%</b>		<b>9%</b>

21. For the aforesaid reasons, compensation has been enhanced by *Rs.3,69,174/-* [**“enhanced amount”**].

22. It is therefore directed as under:

- i. Enhanced amount along with 9% 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. 25,000/-* each for periods of 1 month, 2 months, 3 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.
- ii. By order dated 24th March 2022, this Court had directed the Insurance Company to deposit the entire originally awarded amount before MACT, and 60% of the said amount had been released as per the scheme of disbursal, with the remaining amount to be kept in an



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interest-bearing fixed deposit. Remaining amount from the original compensation shall be disbursed as per the directions of MACT.

23. Accordingly, the appeals stand disposed of with above directions.
24. Pending applications, if any, are rendered infructuous.
25. Copy of this judgment be sent to concerned MACT.
26. Copy of this judgment shall also be sent to concerned bank.
27. Statutory deposit, if any, shall be refunded to Insurance Company.
28. Judgment be uploaded on the website of this Court.

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

**MARCH 23, 2026/mk/tk**