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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: 23<sup>rd</sup> March 2026*+ MAC.APP. 307/2014

VINEET SINGH

.....Appellant

Through: Mr. S.N. Parashar, Advocate.

versus

ORIENTAL INSURANCE CO LTD &amp; ORS

.....Respondents

Through: Mr. A.K. Soni, Advocate for  
Respondent No.1-Insurance  
Company.**CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J (ORAL)**

1. This appeal has been filed by the claimant seeking enhancement of compensation awarded *vide* judgement dated 23rd October 2013, passed by the Motor Accident Claim Tribunal, Saket ("**MACT**") in *MACT No. 78/2012*. The compensation was awarded in the sum of *Rs.17,30,170/-* along with interest @ 9% p.a.

2. The accident occurred on 09<sup>th</sup> November 2011, at about 02:00 p.m., when injured *Vineet Singh* [*'appellant herein'*] was returning home from school on a motorcycle along with his friend *Agni Dev*. When they reached near *IGESI Hospital Okhla Industrial Area* at *Maa Anand Mai Marg*, they were hit by a truck bearing no.*HR-55G-3279* [*"offending vehicle"*], driven by respondent no.2 [*driver*] in a rash and negligent manner, which struck the



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motorcycle from behind, as a result of which claimant/appellant and his friends fell down and sustained grievous injurious. FIR No.360/2011 was registered at *Police Station Okhla Industrial Area* against respondent no.2/driver under Sections 279/338 of the Indian Penal Code 1860

### **Compensation Awarded**

3. MACT held that the accident occurred due to rash and negligent driving of the offending vehicle by respondent no.2, as a result of which the appellant sustained grievous injuries, including amputation of the *right lower limb* leading to *95% permanent disability*. MACT relied upon the testimony of the injured/appellant, medical evidence, disability certificate, and the chargesheet filed against the respondent no.2/driver to conclude that negligence stood established against respondent no.2/driver, with liability being joint and several upon the driver and owner, and indemnified by the insurer.

4. While assessing compensation, MACT noted that the appellant was about *17 years of age* and a student of *Class XII* at the time of the accident, and had undergone multiple surgeries at *AIIMS Trauma Centre*, culminating in amputation of the *right lower limb*.

5. Considering the nature of injuries and permanent disability, MACT awarded compensation under various heads, including *medical expenses* of *Rs.1,27,330/-*, *pain and suffering* of *Rs.1,00,000/-*, *loss of amenities and enjoyment of life* of *Rs.1,00,000/-*, *loss of studies* of *Rs.25,000/-*, *attendant charges* of *Rs.1,00,000/-*, *loss of marriage prospects* of *Rs.50,000/-*, *disfigurement* of *Rs.50,000/-*, and *special diet and conveyance* of *Rs.50,000/-*.



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6. MACT further awarded Rs.5,00,000/- towards *loss of future income potential*, considering the impact of disability on the appellant's career prospects.

7. MACT additionally granted Rs.6,27,848/- towards *present and future expenses relating to artificial limb and its maintenance*, and assessed the total compensation at Rs.17,30,170/- along with interest at 9% per annum from the date of filing of the claim petition till realization.

### Analysis

8. Mr. S.N. Parashar, counsel for appellant/claimant, seeks enhancement of compensation primarily on two grounds; **firstly**, that the compensation awarded towards *loss of future income* for the appellant, who at the time of the accident was *17 years old*, had been restricted to Rs.5,00,000/-, despite *95% disability* in relation to the *right lower limb*; **secondly**, that the amounts awarded towards non-pecuniary heads were highly inadequate.

9. The disability certificate [**Exhibit PW1/99**], proved by Dr. Joginder Kumar (Kaushal Kishore), Senior Resident, Orthopedic, Madan Mohan Malviya Nagar Hospital [**PW-2**], certifies that there was *95% permanent disability* in relation to *right lower limb*. In his testimony, **PW-2** further stated that “*because of the disability, injured will have difficulties in activities of daily living such as walking, sitting, moving, squatting as he cannot walk and run, sitting crossed leg, etc.*” He further stated that the “*injured will have difficulty in driving motor vehicle and he needs orthotic/prosthetic support for mobilization*”.

10. Despite this testimony on record, MACT in *paragraph 18* of the award, only observed that appellant was studying in *Class XII* at the time of accident and had lost his entire career prospects. The certificate of



injured/appellant showed that he was a bright young student and had a great career ahead. However, only a lump sum of Rs.5,00,000/- was awarded towards *loss of future income prospects*.

11. *Mr. Parashar*, counsel for appellant, relies upon the decision of the Supreme Court in ***Baby Sakshi Greola v. Manzoor Ahmad Simon & Anr.*** 2024 SCC OnLine SC 3692, wherein it was held that in cases of minor, minimum wages of ‘*skilled*’ workers should be taken as a ‘*notional income*’ before the application of *multiplier* and *future prospects*. For ease of reference, relevant paragraphs are extracted as under:

*“28. The learned Tribunal on appreciation of the medical evidence came to a conclusion that, since the appellant was only seven years at the time of the accident, it would be appropriate to take notional income as per the MV Act to be Rs. 15,000/- per annum. The learned Tribunal applied a multiplier of 15 which was taken up-to the age of fifteen years. Therefore, an amount of 15,000/- × 15 × 75/100 = Rs. 1,68,750/- was awarded by the learned Tribunal. The High Court did not enhance the amount awarded under this head.*

*29. This Court in the case of Kajal (supra) has held that taking notional income is not the correct approach. Instead, the minimum wages payable to a skilled workman in the concerned State has to be taken into consideration because, that would be the minimum amount which she would have earned on becoming a major. In this case, the minimum wage payable to a skilled workman in the State of Delhi at the time of the accident, i.e., 2<sup>nd</sup> June 2009, was Rs. 4,358/- per month.*

.....

*31. Accordingly, to arrive at the compensation to be awarded under the head of loss of income and earnings due to disability, 40% should be added for future prospects and a multiplier of 18 would have to be applied in view of the age of the appellant.”*

(emphasis added)



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12. Similarly, the Supreme Court in *Kajal v. Jagdish Chand and Ors* (2020) 4 SCC 413, held that adoption of ‘notional income’ at Rs.15,000/- per annum is not a proper way of assessing future loss of income of a child, and the Court assessed the income on the basis of minimum wages payable to a ‘skilled’ worker. Relevant paragraph is extracted as under:

**“Loss of earnings**

*20. Both the courts below have held that since the girl was a young child of 12 years only notional income of Rs 15,000 p.a. can be taken into consideration. We do not think this is a proper way of assessing the future loss of income. This young girl after studying could have worked and would have earned much more than Rs 15,000 p.a. Each case has to be decided on its own evidence but taking notional income to be Rs 15,000 p.a. is not at all justified. The appellant has placed before us material to show that the minimum wages payable to a skilled workman is Rs 4846 per month. In our opinion, this would be the minimum amount which she would have earned on becoming a major. Adding 40% for the future prospects, it works to be Rs 6784.40 per month i.e. 81,412.80 p.a. Applying the multiplier of 18, it works out to Rs 14,65,430.40, which is rounded off to Rs 14,66,000.”*

(emphasis added)

13. The minimum wages of the ‘skilled’ worker on the date of the accident was Rs.8,112/- per month. In any event, as per the testimony of claimant/injured [PW-1], it was noted that he was earning an income of Rs.8,000/- per month by taking tuitions. For a 17 year old student, it is evident that with 95% permanent disability in relation to right lower limb and severe impediment in mobility, as stated by PW-2, the future earning capacity would be substantially reduced. Though compensation has been



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granted towards prosthetic support, the appellant's earning prospects would nevertheless be seriously affected.

14. Considering the nature of amputation of the *right lower limb*, the requirement of prosthetic support for mobility, and the consequential restriction on employability across most vocations, functional disability is assessed at 80% for purposes of computation of loss of earning capacity.

15. Accordingly, this Court finds it apposite that the functional disability be considered at 80%, and *loss of future income* be calculated on the basis of Rs.8,112/- per month, along with *future prospects* at 40% , following the principles enunciated in *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680 and a multiplier of '18' as per *Sarla Verma v. DTC* (2009) 6 SCC 121.

16. As far as non-pecuniary heads are concerned, the amount of Rs.1,00,000/- each awarded on account of *pain and sufferings*, and *loss of amenities and enjoyment of life*, are appropriate and require no interference by this Court.

17. However, compensation towards *loss of marriage prospects* has been granted at Rs.50,000/- and compensation towards *disfigurement* has also granted Rs.50,000/-. These two components requires enhancement to Rs.1,00,000/- each.

18. Accordingly, compensation is re-computed as under:

SR. NO.	HEADS	AWARDED BY THE TRIBUNAL	AWARDED BY THIS COURT
<b>PECUNIARY LOSS</b>			
1.	Expenditure on treatment (A)	Rs.1,27,330/-	Rs.1,27,330/-
2.	Expenditure on conveyance (B)	Rs.25,000/-	Rs.25,000/-



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3.	Expenditure on special diet (C)	Rs.25,000/-	Rs.25,000/-
4.	Attendant charges (D)	Rs.1,00,000/-	Rs.1,00,000/-
5.	Loss of earning capacity (E)	Nil	40%
6.	Loss of future income (F)	Rs.5,00,000/-	Rs. 19,62,455.04/-
7.	Future Medical Expenses with respect to artificial limb (G)	Rs.6,27,848/-	Rs.6,27,848/-
8.	Loss of Studies	Rs.25,000/-	Rs.25,000/-
<b>NON PECUNIARY LOSS</b>			
9.	Compensation for mental and physical shock (H)	Nil	Nil
10.	Pain and suffering (I)	Rs.1,00,000/-	Rs.1,00,000/-
11.	Loss of amenities of life (J)	Rs.1,00,000/-	Rs.1,00,000/-
12.	Disfiguration (K)	Rs.50,000/-	Rs.1,00,000/-
13.	Loss of marriage prospects (L)	Rs.50,000/-	Rs.1,00,000/-
<b>DISABILITY RESULTING IN LOSS OF EARNING CAPACITY</b>			
14.	Percentage of disability assessed and nature of disability as permanent or temporary	Nil	80%
15.	Percentage of loss of earning capacity in relation to disability	Nil	80%
16.	Loss of future income (Income X% Earning capacity x Multiplier)	Rs.5,00,000/-	Rs. 19,62,455.04/- [(Rs.8112/- +40%) x 12 x 18 x 80% ]
<b>TOTAL COMPENSATION</b>		<b>Rs.17,30,170 /-</b>	<b>Rs. 32,92,634/-</b>  [Round of Rs. 32,92,633.04/-]
<b>INTEREST AWARDED</b>		<b>9%</b>	<b>9%</b>

19. For the aforesaid reasons, the impugned award is modified. The compensation is enhanced by a sum of Rs. 20,53,077/- as computed hereinabove.



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20. Enhanced compensation along with 9% interest per annum from the date of filing the petition shall be deposited before the MACT within a period of four weeks.
21. It is directed that a lump sum amount of Rs. 5,00,000/- shall be released to the claimant from the enhanced award within a period of two weeks thereafter. The remaining 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. The interest accruing on the said *FDRs* shall be credited to the designated Savings Bank Account of the claimant. The amount of *FDRs* on maturity would be released to the Savings Bank Account of claimant upon due verification.
22. The appeal is accordingly disposed of.
23. Pending applications, if any, are rendered infructuous.
24. Judgment be uploaded on the website of this Court.

**(ANISH DAYAL)  
JUDGE**

**MARCH 23, 2026/ab/tk**