



2026:DHC:1907



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

Date of decision: 25th February 2026

+ **MAC.APP. 911/2013**

NATIONAL INSURANCE CO. LTDAppellant

Through: Mr. Manoj Ranjan Sinha & Mr.
Vishal Agrawal, Advocates

versus

RAJESH & ORSRespondents

Through: Mr. Navneet Goyal, Adv.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. This appeal has filed challenging the award dated 01st August 2013 passed by the Motor Accident Claims Tribunal, Saket, New Delhi [*“Tribunal”*] in *MAC Suit No. 110/2011*, where by the Tribunal awarded compensation to the tune of *Rs.22,84,500/-* along with interest @ 9% p.a.

Incident

2. The accident occurred on 25th February 2011, when the injured, a student of Class V, aged 11 years, was going to his school along with his brother, when he was hit by a car bearing No. *DL-9CM-5027* [*offending vehicle*] and sustained grievous injuries. The said offending vehicle was being driven by Rajesh, respondent no.1.



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3. The compensation has been challenged by the appellant/Insurance Company, *inter alia*, on the following grounds:

- a. Multiplier of '18' was applied, which is on higher side, and same ought to have been '15';
- b. Tribunal awarded higher amount towards attendant charges as well as interest on future medical expenses; and
- c. Tribunal erred in awarding an excessive amount of Rs.5,25,000/- under non-pecuniary heads by treating loss of earning capacity at 100%.

4. *Mr. Manoj Ranjan Sinha*, Counsel for appellant/Insurance Company, has placed reliance on decision *Divya v. National Insurance Company Ltd.* Civil Appeal No.7605/2022 and *Raj Kumar v. Ajay Kumar* (2011) 1 SCC 343.

Analysis

5. Injured was only 11 years school going child who suffered *cord injury D10 to D12 with paraplegia, fracture shaft to right femur, traumatic paraplegia with BB involvement, fracture of middle 3rd right femur, fracture undisplaced (right Tibia), and fracture medial condyle left femur*. Injuries resulted in traumatic paraplegia with neurogenic bowel and bladder, and he has suffered 100 % permanent disability as certified by the Medical Board of Safdarjung Hospital.

6. This Court has already taken a view in *Tata AIG General Insurance Company v. Mukesh Kumar & Ors.* 2026:DHC:756, relying on a previous decision of this Court *National Insurance Co. Ltd. v. Sanju & Ors.* 2025:DHC:11781, which assessed the decisions of the Supreme Court,



including *Divya v. National Insurance Company Ltd.* (*supra*), holding that a multiplier of '18' should be applied while computing compensation for a minor below '15' years. The Court is not inclined to differ with the same.

7. The relevant observations made by this Court in *National Insurance Co. Ltd. v. Sanju & Ors* (*supra*) are extracted as under:

“26. In my view, the argument, at least before this Court, is foreclosed by the judgments in Pooja, Rakesh Sharma, and Bhupan Paswan, where the multiplier 18 has been adopted after considering the judgments in Sarla Verma, Kajal, Master Ayush, and Sakshi Greola. The discussion on this aspect in Bhupan Paswan reads as follows:

“31. The learned Tribunal has computed the compensation by applying a multiplier of 15, by considering the age of the deceased.

32. The calculation of Multiplier has been laid down in the case of Sarla Varma (Supra) as under:-

“21. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.”

33. Evidently, the Judgment is silent on the multiplier to be used for the victims under 15 years of age. This incongruity in the matter of selection of multiplier in



the case of persons in the age group up to 15 years was noted in by the Apex the case of Divya vs. National Insurance Company Ltd., Civil Appeal No. 7605/2022.

34. In the most recent judgment of the Supreme Court in Baby Sakshi Greola vs. Manzoor Ahmad Simon & Anr., SLP (C) No. 10996/2018, while referring to the judgments of Kajal (supra) and Master Ayush (supra), the Apex Court has applied the multiplier of 18 for a minor.

35. Thus, in light of the above judgments, this Court deems it appropriate to ascertain the Multiplier as '18' to calculate the loss of dependency is calculated accordingly."

As noted above, the Supreme Court declined special leave to appeal against this judgment.

27. Having regard to the binding judgment of the Coordinate Bench, which considers Sarla Verma, I am of the view that the applicable multiplier in such cases would be 18."

(emphasis added)

8. Taking a similar view, this Court in ***Tata AIG General Insurance Company v. Mukesh Kumar & Ors*** (*supra*), while dealing with an appeal filed by the Insurance Company on the ground that the Tribunal while assessing loss of dependency in case of death of a minor child had erred by taking the multiplier of '18', instead of '15', and that income of the deceased should either be determined on the basis of notional income or that of an unskilled worker, dismissed the said appeal and held as under:

"22.6 Analysing all these decisions, this Court in ***Sanju*** (*supra*) held the view, as extracted above in paragraph 14, that the applicable multiplier would be 18 and that minimum wages of a skilled worker of the concerned State would be applicable.



23. *In view of the above discussion, contention of appellant cannot be accepted.*”

(emphasis added)

9. As regards the issue of attendant charges, the Tribunal has taken Rs.150/- per day as charges i.e. Rs.4,500/- per month. This is much lower, as stated by *Mr. Goyal*, in light of decision of the Supreme Court in ***Kajal v. Jagdish Chand and Ors.*** (2020) 4 SCC 413, where Rs.10,000/- per month for two attendants for 18 years was awarded. Relevant paragraph of impugned award is extracted as under:

“18. The victim as per medical record, in accident has suffered traumatic paraplegia (fracture DIO with neurogenic bowel & bladder. It is emphatically stated by doctor that presently petitioner is wheelchair bound and dependent on the caregiver for some of his activities of daily living like bathing, toileting, dressing of lower limbs. He also stated that petitioner requires a permanent attendant to help him in day to day activities. It is clear from aforesaid deposition that petitioner will require an attendant to assist him in his daily activities for 24 hours. The claimant's age as on date of accident was 11 years old. The life expectancy of petitioner can be presumed to be at least 55 years. The claimant as on date of accident was 11 years old which means that remaining period of live expectancy i.e. 44 years he require service of attendance. Average cost of keeping a home attendant is taken at Rs. 150 per day. Accordingly, the monthly expenses on an attendant works out to be Rs. 4,500/- and annual expenses comes out to be Rs.54,000/- adopting multiplier method i.e. 18, the total amount comes to Rs. 9,72,000/.”

10. The Tribunal returned a categorical finding, based on the uncontroverted medical evidence, that the injured suffered traumatic *paraplegia* and is permanently wheelchair-bound. PW1/Dr. *Srikumar*,



stated that injured is dependent on a caregiver for essential activities of daily day to day activities.

11. Considering the age of the injured (11 years at the time of accident), the Tribunal reasonably assessed the remaining life expectancy and computed attendant charges at a modest rate of Rs.150/- per day, applying the multiplier of '18', arriving at Rs.9,72,000/-.

12. The issue of attendant charges in cases of permanent disability has been considered by the Supreme Court in *Kajal v. Jagdish Chand (supra)*, wherein the Supreme Court underscored that in cases of permanent disability of a minor resulting in lifelong dependency, provision for continuous attendant care is integral to the award of "just compensation".

For ease of reference relevant paragraphs are extracted as under:

"22. The attendant charges have been awarded by the High Court @ Rs 2500 per month for 44 years, which works out to Rs 13,20,000. Unfortunately, this system is not a proper system. Multiplier system is used to balance out various factors. When compensation is awarded in lump sum, various factors are taken into consideration. When compensation is paid in lump sum, this Court has always followed the multiplier system. The multiplier system should be followed not only for determining the compensation on account of loss of income but also for determining the attendant charges, etc. This system was recognised by this Court in Gobald Motor Service Ltd. v. R.M.K. Veluswami [Gobald Motor Service Ltd. v. R.M.K. Veluswami, AIR 1962 SC 1]. The multiplier system factors in the inflation rate, the rate of interest payable on the lump sum award, the longevity of the claimant, and also other issues such as the uncertainties of life. Out of all the various alternative methods, the multiplier method has been recognised as the most realistic and reasonable method. It ensures better



justice between the parties and thus results in award of “just compensation” within the meaning of the Act.

23. It would be apposite at this stage to refer to the observation of Lord Reid in Taylor v. O'Connor [Taylor v. O'Connor, 1971 AC 115 : (1970) 2 WLR 472 (HL)] : (AC p. 128)

“Damages to make good the loss of dependency over a period of years must be awarded as a lump sum and that sum is generally calculated by applying a multiplier to the amount of one year's dependency. That is a perfectly good method in the ordinary case but it conceals the fact that there are two quite separate matters involved — the present value of the series of future payments, and the discounting of that present value to allow for the fact that for one reason or another the person receiving the damages might never have enjoyed the whole of the benefit of the dependency. It is quite unnecessary in the ordinary case to deal with these matters separately. Judges and counsel have a wealth of experience which is an adequate guide to the selection of the multiplier and any expert evidence is rightly discouraged. But in a case where the facts are special I think that these matters must have separate consideration if even rough justice is to be done and expert evidence may be valuable or even almost essential. The special factor in the present case is the incidence of income tax and, it may be, surtax.”

24. This Court has reaffirmed the multiplier method in various cases like MCD v. Subhagwanti [MCD v. Subhagwanti, AIR 1966 SC 1750 : 1966 ACJ 57] , U.P. SRTC v. Trilok Chandra [U.P. SRTC v. Trilok Chandra, (1996) 4 SCC 362] , Sandeep Khanuja v. Atul Dande [Sandeep Khanuja v. Atul Dande, (2017) 3 SCC 351 : (2017) 2 SCC (Civ) 276 : (2017) 2 SCC (Cri) 178] . This Court has also recognised that Schedule II of the Act can be used as a guide for the multiplier to be applied



in each case. Keeping the claimant's age in mind, the multiplier in this case should be 18 as opposed to 44 taken by the High Court.

25. Having held so, we are clearly of the view that the basic amount taken for determining the attendant charges is very much on the lower side. We must remember that this little girl is severely suffering from incontinence, meaning that she does not have control over her bodily functions like passing urine and faeces. As she grows older, she will not be able to handle her periods. She requires an attendant virtually 24 hours a day. She requires an attendant who though may not be medically trained but must be capable of handling a child who is bedridden. She would require an attendant who would ensure that she does not suffer from bedsores. The claimant has placed before us a notification of the State of Haryana of the year 2010, wherein the wages for skilled labourer is Rs 4846 per month. We, therefore, assess the cost of one attendant at Rs 5000 and she will require two attendants which works out to Rs 10,000 per month, which comes to Rs 1,20,000 p.a., and using the multiplier of 18, it works out to Rs 21,60,000 for the attendant charges for her entire life. This takes care of all the pecuniary damages.”

(emphasis added)

13. It is well settled that the duty of the Claims Tribunal and the Appellate Court under *Section 168* of the MV Act is to award “*just compensation*” on the basis of the evidence placed on record. The determination of compensation cannot be circumscribed merely by the amount claimed or by the absence of a cross-appeal or cross-objections by the claimant. In *Nagappa v. Gurudayal Singh* (2003) 2 SCC 274, the Supreme Court categorically held that there is no restriction under the Motor Vehicles Act that the Tribunal or Court cannot award compensation exceeding the amount



claimed, so long as the compensation awarded is just, reasonable and supported by the evidence on record. Relevant paragraph is extracted as under:

“21. For the reasons discussed above, in our view, under the MV Act, there is no restriction that the Tribunal/court cannot award compensation amount exceeding the claimed amount. The function of the Tribunal/court is to award “just” compensation which is reasonable on the basis of evidence produced on record. Further, in such cases there is no question of claim becoming time-barred or it cannot be contended that by enhancing the claim there would be change of cause of action. It is also to be stated that as provided under sub-section (4) to Section 166, even the report submitted to the Claims Tribunal under sub-section (6) of Section 158 can be treated as an application for compensation under the MV Act. If required, in appropriate cases, the court may permit amendment to the claim petition.”

14. Further, the appellate court, while exercising powers under *Order XXI Rule 33 CPC*, is empowered to mould the relief and enhance compensation where the circumstances so warrant, even in the absence of a cross-appeal by the claimant. The guiding principle remains that the Court must ensure that the victim receives fair and adequate compensation in accordance with the mandate of the statute. In view of the above legal position and the medical evidence on record establishing the requirement of a permanent attendant, the attendant charges awarded by the Tribunal warrant reconsideration.

15. This Court as per the decision of the Supreme Court finds it apposite to enhance the attendant charges, as the attendant charges given by the



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Tribunal seemed conservative in nature. The notification issued by the Government of NCT of Delhi, Labour Department on 26th July 2011, showed that minimum wages of a ‘skilled’ person shall be counted at Rs.7,826/- per month. Accordingly, the enhanced attendant charges shall be at Rs.93,912/- annually and applying the multiplier of ‘18’ would bring it to Rs.16,90,416/-.

16. As regards the non-pecuniary heads, this Court finds that, considering the age of injured i.e. 11 years, and the fact that he sustained 100% disability in the accident, the amounts as granted by the Tribunal are not exaggerated in any manner and ought to be sustained.

17. With respect to future medical expenses, the Tribunal’s finding in this regard appears to be justified.

18. Argument by *Mr. Manoj Ranjan Sinha*, Counsel for appellant/Insurance Company that interest cannot be granted on elements relating to future prospects and future medical expenses, has now been considered by the Supreme Court in ***Oriental Insurance Company v. Niru @ Niharika*** (2025) INSC 822, where the Court while deliberating on the concept of interest on future prospects, stated as under:

“9. A very relevant issue agitated by the Insurance Company is the illegality in awarding interest for future prospects, which in any event is an amount received in advance, normally inuring to the benefit of the claimants only in future. This is the only contention taken in the connected appeal bearing SLP(C) No.22136 of 2024. We find absolutely no reason to accept this argument. In SLP(C) No.11340 of 2020, the multiplier applied looking at the life span of the deceased and the claimants is 13. Before the Tribunal itself, the case was pending for 12 years and the only amount received by



the claimants was Rs.50,000/-. Hence though amounts are awarded for future prospects taking the multiplier of 13; in effect, the money is received only after the period for which the multiplier is adopted. Similar is the case in SLP(C) No.22136 of 2024 where the accident occurred in 2018, the multiplier applied is 17 and we are seven years from the date of accident.

.....

11. In fact, it is due to the repudiation of or refusal to consider the claim that the claimants are driven to the Tribunal. When the matter is pending before the Tribunal or in appeal before the higher forums, the claimants are deprived of the compensation for future prospects. If they are paid in time, it could be utilized by the claimants and on failure, the loss of dependency would force the claimants to source their livelihood from elsewhere. This is sought to be compensated at least minimally by award of interest, which oftener than ever is nominal also since only simple interest is awarded. If the amounts were disbursed to the claimants on a rough calculation, on intimation of the accident to the Insurance Company, subject to the award of the Tribunal, necessarily there would not have been any interest liability atleast to the extent of the disbursement made. Hence, we reject the contention and direct that the entire award amounts would be paid with interest at the rate of 9% from the date of filing of the claim till the date of disbursement, deducting only Rs.50,000/- granted as interim compensation, in SLP(C) No.11340 of 2020 and 6% in SLP(C) No.22136 of 2024 as awarded by the High Court; deduction to be made for the amounts already paid.”

(emphasis added)

19. The same reasoning would apply to compensation for future medical expenses. The compensation awarded is an amount provided for various aspects of deprivation from a regular life which would have been lived had



the injured not met with the accident. The interest component is for the period during which the claimants ought to have received the said compensation, until the same was adjudicated, awarded and paid/deposited.

20. Therefore, this ground also does not subsist.

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

Sr. No.	Heads	Awarded By The Tribunal	Awarded by this Court
PECUNIARY LOSS			
1	Expenditure on treatment (A)	Rs.49,500/-	Rs.49,500/-
2	Expenditure on conveyance (B)	Rs. 50,000/-	Rs. 50,000/-
3	Expenditure on special diet (C)	Rs.40,000/-	Rs.40,000/-
4	Cost of nursing / attendant (D)	Rs.9,72,000/- [Rs.4500 x 18]	Rs.16,90,416/-. [Rs.7826 x 18]
5	Loss of earning capacity (E)	Rs.6,48,000/-	Rs.6,48,000/-
6	Loss of income (F)	Rs.36,000/-	Rs.36,000/-
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	Rs.75,000/-	Rs.75,000/-
NON PECUNIARY LOSS			
9	Compensation for mental and physical shock (H)	Nil	Nil
10	Pain and suffering (I)	Rs.3,00,000/-	Rs.3,00,000/-
11	Loss of amenities of life (J)	Rs.50,000/-	Rs.50,000/-
12	Disfiguration (K)	Nil	Nil
13	Loss of marriage prospects (L)	Rs.1,00,000/-	Rs.1,00,000/-
14	Loss of earning, inconvenience, hardships, disappointment, frustration, mental stress, dejection and	Nil	Nil



	unhappiness in future life etc. (M)		
DISABILITY RESULTING IN LOSS OF EARNING CAPACITY			
15	Percentage of disability assessed and nature of disability as permanent or temporary	100% permanent disability	100% permanent disability
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	45%	45%
18	Loss of future income (Income X% Earning capacity x Multiplier)	Rs.6,48,000/- [Rs.3000 x 12 x 18]	Rs.6,48,000/- [Rs.3000 x 12 x 18]
	TOTAL COMPENSATION	Rs. 22,84,500/-	Rs. 30,02,916/-
	INTEREST AWARDED	9%	9%

22. For the aforesaid reasons, the impugned award is modified. The compensation is enhanced by a sum of Rs. 7,18,416/-, as computed hereinabove.

23. By order dated 9th October 2013, 80% of the amount had been directed to be deposited and 60% was directed to be released.

24. The appeal is accordingly disposed of.

25. Since the appeal stands disposed of in above terms, it is directed that enhanced amount be deposited by the appellant/Insurance Company before the Registry of this Court within a period of four weeks from today. Disbursement of the amounts so deposited shall be made in terms of impugned award.

26. A copy of this judgment be sent to the concerned Tribunal.



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27. Pending applications, if any, are rendered infructuous.
28. Statutory deposit (if any) shall be refunded to appellant.
29. Judgement be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 25, 2026/sm/tk