



2025:DHC:9690



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

***Decided on 03.11.2025***

+ MAC.APP. 699/2025, CM APPL. 68503-06/2025

SHRIRAM GENERAL INSURANCE COMPANY LTD.

.....Appellant

Through: Mr. Kshitij Mittal, Advocate.

versus

ASHOK KUMAR (SINCE DIED) THR LR  
& ORS.

.....Respondents

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**PRATEEK JALAN, J (ORAL)**

**CM APPL. 68506/2025 (condonation of delay in re-filing of appeal)**

The present application has been filed by the appellant seeking condonation of delay of 130 days in re-filing the present appeal.

For the reasons stated therein, the delay of 130 days in re-filing the appeal is condoned.

The application is accordingly disposed of.

**MAC.APP. 699/2025 and CM APPL. 68503/2025 (exemption), CM APPL. 65804/2025 (condonation of delay in filing of appeal), CM APPL.68505/2025 (stay)**

1. The appellant – Shriram General Insurance Company Ltd. [“the Insurance Company”] – assails an award dated 04.02.2025 passed by the



Motor Accident Claims Tribunal [“the Tribunal”], whereby the estate of the original claimant has been awarded a sum of Rs. 9,84,600/- together with interest thereon.

2. The facts, as recorded in the impugned award, are that the original claimant, aged 46 years at the time, was riding a motorcycle from Kurukshetra, Haryana, to Haridwar, Uttarakhand, when he was hit from behind by a truck bearing registration number HR-58A-2879 [“the insured vehicle”]. The claimant alleged that the collision was a result of rash and negligent driving of the insured vehicle. As a result of the collision, the claimant fell onto the road and sustained grievous injuries. He remained hospitalized from 23.07.2017 to 04.08.2017. The claimant asserted that he was employed as a bus driver with a school in New Delhi, earning Rs. 16,000/- per month, and was additionally earning Rs. 6,000/- per month by providing driving services on a contractual basis.

3. The undisputed evidence on record establishes that, as a result of the accident, the original claimant sustained multiple fractures to his right arm and right leg, which ultimately necessitated the amputation of his right arm. He was also treated for fractures in his lower limbs. His permanent disability was assessed at 85% *qua* the affected limbs. During the pendency of the claim petition, the claimant passed away, and the proceedings were thereafter pursued by his legal heirs.

4. The two grounds urged by Mr. Kshitij Mittal, learned counsel for the appellant, are: first, that the Tribunal has erroneously assessed the original claimant’s functional disability at 100% while awarding compensation towards loss of earnings; and second, that the Tribunal has erred in awarding a sum of Rs. 10,000/- per month towards attendant



charges/compensation for the gratuitous services rendered by his family members.

5. As regards the loss of income, it may be noted that the Tribunal disbelieved the claimant's assertion regarding the quantum of his income and assessed the same on the basis of minimum wages. While doing so, however, the Tribunal awarded compensation on the footing of 100% functional disability for the period during which the original claimant survived the accident, i.e., approximately 25 months. Mr. Mittal submits that such an assessment is excessive, as the physical disability was quantified at only 85% in respect of the limbs.

6. I am, however, of the view that the impugned award does not suffer from any infirmity on this account. The accident resulted in the amputation of one upper limb of the deceased and multiple fractures in his lower limbs. He survived for a period of approximately 25 months after the accident. The Tribunal's reasoning, in effect, is that he would not have been able to sustain employment or earn a livelihood during this period. It has, therefore, awarded compensation on the basis of 100% functional disability. This view, in my opinion, is well-founded, having due regard to the nature of the injuries sustained, including amputation of one limb, and the period in question. Such an injury would require extensive recuperation and rehabilitation.

7. For similar reasons, I do not find much force in the appellant's argument with regard to attendant charges. The Tribunal is not required to apply strict rules of pleading and evidence, but is enjoined to award a just and reasonable amount commensurate with the nature of the injury. The injuries, as noted above, are clearly consistent with the Tribunal's finding



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that the assistance of an attendant, even if rendered gratuitously by family members, would have been necessary, and the compensation of Rs. 10,000/- per month awarded under this head cannot be considered excessive.

8. For the aforesaid reasons, I do not find any infirmity in the impugned award.

9. As no other point has been urged in support of this appeal, the appeal is accordingly dismissed.

10. All pending applications also stand disposed of.

11. The amount deposited, if any, be released to the appellant, in accordance with law.

**PRATEEK JALAN, J**

**NOVEMBER 3, 2025**

SS/sd/