

**IN THE COURT OF VIJAY KUMAR JHA
PRESIDING OFFICER:
MOTOR ACCIDENT CLAIMS TRIBUNAL-01, SHAHDARA
KARKARDOOMA COURTS, DELHI**

In the matter of :

Satya Veer Singh @ Vijay Singh v. Shahid & Ors.
MACT no. 44526/2014

Satyaveer Singh @ Satya Beer Singh @ Vijay Singh (Injured)
Since deceased, through his LRs:

(a) **Sonu** S/o Sh. Satya Veer Singh
R/o G-291, Sector-23, Sanjay Nagar,
PS Kavi Nagar, Ghaziabad, U.P.

(b) **Vipin** S/o Sh. Satya Veer Singh
R/o 11, Sewa Nagar, Sihani, Meerut Road,
Ghaziabad, U.P.

.....**Petitioner(s)**

Versus

1). **Shahid** S/o Sh. Imamuddin (Driver)
R/o Fafrana Road, Dayapuri Kasba, PS Modinagar,
Ghaziabad, U.P.-201204.
Present Address: 26, Shakti Nagar, PS Roop Nagar, Delhi.

2). **Rajesh Payal** S/o late Sh. Bhagwat Singh (Regd. Owner)
Since deceased, through his LRs:

- (a) **Urmila Devi** W/o late Sh. Rajesh Payal
- (b) **Hari Om Payal** S/o late Sh. Rajesh Payal
- (c) **Mohit Payal** S/o late Sh. Rajesh Payal
- (d) **Sanny Payal** S/o late Sh. Rajesh Payal

All R/o 50, Anand Vihar, Goyalpuri,
Modinagar, Ghaziabad, U.P.

3). **Oriental Insurance Co. Ltd.** (Insurer)
1576, 1st Floor, Church Road,
Kashmere Gate, Delhi.

.....**Respondents**

Date of institution : 20.01.2014
Final arguments concluded on : 11.03.2026
Date of Award : 17.03.2026

J U D G M E N T

1. The present claim petition bearing MACT no.26/2014 (44526/2014) was filed by the petitioner Satya Veer Singh seeking compensation under Section 166 of the Motor Vehicle Act, 1988 on account of injuries received by him and consequent thereto permanent disability suffered by him in a motor vehicular accident that occurred on 25.09.2013 at Raj Nagar Extension Road, Ghaziabad, U.P., involving the Tata Aria car bearing registration number UP14BP-0022 (hereinafter, '**offending vehicle**').
2. The said claim petition was dismissed in default vide order dated 26.04.2014. As per the petitioner, the said fact was never revealed to him by his erstwhile counsel. Another claim petition bearing MACT no. 56598/2016 was also filed on his behalf before Motor Accident Claims Tribunal, Central District, Tis Hazari Courts, Delhi, which was dismissed vide order dated 15.03.2021. The petitioner challenged the said dismissal order by preferring an appeal and the Hon'ble Delhi High Court was pleased to dispose of the said appeal vide its order dated 24.07.2023 wherein liberty was granted to the petitioner to approach this Tribunal for the restoration of the earlier claim petition bearing MACT no.44526/2014 i.e., the present claim petition. The Hon'ble Delhi High Court was also pleased to direct that the petitioner would not be entitled to any interest from 20.10.2014 till filing an application seeking restoration of the first

claim petition. By order dated 16.12.2023 passed in Misc DJ no. 667/2023, my Ld. Predecessor was pleased to restore the present claim petition to its original number and position. However, the formal application under Order 9 Rule 9 r/w section 151 of CPC, moved on behalf of the petitioner on 12.09.2023 for restoration of the claim petition was disposed of vide order dated 15.03.2024. This Tribunal in its order dated 03.08.2024 observed regarding the restoration of the claim petition inadvertently under the impression that the order dated 24.07.2023 of Hon'ble Delhi High Court had restored the claim petition. To said restoration, it was submitted by the Ld. Counsel for the respondents no.1 and 2 as well as Ld. counsel for the respondent no.3/ insurer that they did not have any objection with respect to the application under Order 9 Rule 9 r/w Section 151 of CPC inadvertently being allowed by the Ld. Predecessor.

3. The brief facts of the case as per the claim petition are that on 25.09.2013 at 08:00 p.m., the petitioner Satya Veer Singh was going to his home on motorcycle bearing no. UP14BA-1506 and when he reached near Ashram on Raj Nagar Extension Road, Ghaziabad, U.P., a Tata Aria car bearing registration number UP14BP-0022 (offending vehicle) came from behind and hit the petitioner with great force. Due to the impact, the petitioner/injured received grievous injuries and was admitted to Kailash Hospital and thereafter referred to Yashoda Hospital. As per the claim petition, the injured spent Rs.30 lakhs on his treatment, conveyance and other expenses and his treatment was continued till filing of the claim petition. It is averred that the accident had taken place solely due to rash and

negligent driving of the respondent no.1/ driver, who was driving the offending vehicle at a very high speed, rashly and negligently. It is stated that the respondent no.1/ driver could have averted the accident had he driven the offending car at a slow speed, carefully and applied the brakes at the relevant time.

4. In connection with the accident, FIR no.906/13, under section 279/337/427 IPC was registered at PS Sihani Gate, Ghaziabad in which, after the completion of the investigation, charge-sheet was filed against the respondent no.1/ driver of the offending vehicle.
5. It is averred in the claim petition that, at the time of the accident the injured was 43 years of age, doing business and was earning Rs.18,000/- per month, approximately. By filing the present claim petition, the petitioner has sought compensation of Rs.75 lakhs with interest @ 18% per annum from the date of filing of the petition till its realization.
6. During inquiry proceedings, the respondent no.2 Rajesh Payal was expired and his legal heirs were impleaded vide order dated 21.10.2024.
7. Joint reply/ written statement on behalf of the respondent no.1 and legal heirs of respondent no.2 was filed on 28.11.2024 with the contentions that the accident took place on account of the injured's own fault in which the respondent no.1 is not liable in any manner. It is stated that the respondent no.2 had died on 21.03.2016. It is stated that the offending vehicle at the time of the accident was insured

with respondent no.3 vide policy no. 121500/31/2013/01/50012343 which was valid from 23.01.2013 to 22.01.2014 and that the respondent no.1 was having a valid driving license at the time of the accident and therefore, compensation, if any to be awarded by this Tribunal, is to be paid by the respondent no.3. The respondent no.1 and 2 have also denied the material facts as stated by the petitioner/injured in the claim petition.

8. A written statement was also filed on behalf of the respondent no.3/ insurance company denying the case of the petitioner/injured and taking legal/technical objections. It is contended that the accident was caused due to the negligence of the petitioner/injured himself. However, the insurance company has admitted that the offending vehicle was insured with it but its liability is subject to compliance of the terms and conditions of the insurance policy.
9. After the completion of pleadings, vide order dated 05.12.2024, following issues were framed:
 - (1) Whether the petitioner suffered grievous injuries in a motor vehicular accident occurred on 25.09.2013 at 8 PM at Raj Nagar Extension Road, near ashram, Ghaziabad, UP, within the jurisdiction of PS Sihani Road, due to rash and negligent driving of the offending vehicle i.e., car bearing registration no. UP 14 BT-0022 (make-Tata Aria), being driven by respondent no.1/ Shahid? OPP
 - (2) Whether the petitioner is entitled to compensation on account of said injuries and if yes, to what extent and from whom? OPP
 - (3) Relief.

No other issue arose or pressed for and matter was adjourned for petitioner's evidence.

10. The original petitioner Satya Veer Singh @ Vijay Singh expired on 13.02.2025 and vide order dated 09.05.2025 his two legal heirs were impleaded as petitioners.
11. The petitioners in order to establish this claim case examined the following witnesses:
 - (i) PW1 Sh. Ghanshyam, Junior Judicial Assistant/ Assistant Ahlmad in the Court of Dr. Pankaj Sharma, Ld. PO MACT-02, Central District, Tis Hazari Court, Delhi produced the original case file bearing MACT no.56598/2016, titled as Satya Veer Singh @ Vijay Singh v. Shahid, decided on 15.03.2021 by Sh. Loveleen, the then Ld. PO MACT-02. This witness compared the certified copies placed on record and found the same to be correct certified copies of the case file bearing MACT no.56598/2016.
 - (ii) PW2 Daksh Sharma was examined as eye-witness of the accident.
12. Besides above witnesses, four witnesses have already been examined on behalf of the petitioner in MACT no.56598/2016 which was filed before Ld. PO MACT-02, Central District, Tis Hazari Courts, Delhi and certified copies of the said entire case file have been placed on record of the present case, which have been proved on record by PW1, Junior Judicial Assistant of that Tribunal. It was jointly submitted by Ld. Counsel for the petitioners and Ld. Counsel for the insurer on 30.01.2026 that they have no objection if the deposition

recorded in the claim petition filed in Tis Hazari Court, which was dismissed, is read herein. As per certified copies of the claim petition filed before Ld. PO MACT-02, Tis Hazari Court, the following witnesses were examined on behalf of the injured are as under:

- (i) PW1 Vipin, son of the injured Satya Veer Singh deposed by way of his affidavit Ex.PW1/A regarding the injuries suffered by his father in the accident, medical expenses incurred and losses suffered as a result of the accident. He relied upon the following documents:
 - (i) Certified copies of the criminal case record as Ex.PW1/1 (colly).
 - (ii) Medical bills and prescriptions as Ex.PW1//2 (colly).
 - (iii) Aadhaar Card of the injured Satya Veer Singh as Ex.PW1/3.
 - (iv) Disability Certificate of the injured as Ex.PW1//4.
 - (v) ITR of the injured for AY 2014-15 and AY 2015-16 as Ex.PW1/5.
- (ii) PW2 Sh. Asha Ram Bhati, Record Keeper, Yashoda Hospital, Nehru Nagar, Ghaziabad, U.P. being summoned witness produced his Authority Letter Ex.PW2/X to depose before this Tribunal. He produced the second/ duplicate copy of final bill and discharge summary of the injured Vijay Kumar/ Satyaveer Singh Chouhan and proved the same as Ex.PW2/1 (colly), as per which the injured remained admitted in Yashoda Hospital from 12.10.2013 till 17.11.2013 and he paid the treatment expenses of Rs.3,79,087/- in cash.

- (iii) PW3 Rohit Kumar, Record Clerk from Kailash Hospital, Meerut Road, Ghazibad, U.P. produced the bill book containing final bill of Rs.79,000/- with respect to hospitalization of the injured in their hospital from 25.09.2013 to 12.10.2013 and proved the copy of the said final bill as Ex.PW3/A. He also produced the payment receiving register of injured and proved copy of the same as Ex.PW3/B.
- (iv) PW4 Dr. Manish K. Kandpal, RML Hospital, New Delhi produced the hospital record regarding disability assessment of the injured and proved the disability certificate issued to the injured as Ex.PW1/4, as per which the injured Satya Veer Singh was assessed to have suffered 90% permanent disability related to brain. This witness also proved the muscles evaluation chart as Ex.PW4/A (already exhibited). As per PW4, the injured was also examined by Dr. S. Bhaskar, Associate Professor of Neuro Surgery, whose report is Ex.PW4/B.
13. This Tribunal also examined Sh. Vipin (who has already been examined as PW1), son of the injured Satya Veer Singh (now deceased) under section 168 of BSA (Bhartiya Sakshya Adhinyam).
14. Since, learned counsel for the petitioners and learned counsel for the respondents submitted that no further witness was to be examined, the matter was adjourned for final arguments.

15. I heard the final arguments advanced by learned counsels for the parties and also perused the evidence and other materials placed on record. My findings on the issues are as under:-

ISSUE NO.1

Whether the petitioner suffered grievous injuries in a motor vehicular accident occurred on 25.09.2013 at 8 PM at Raj Nagar Extension Road, near ashram, Ghaziabad, UP, within the jurisdiction of PS Sihani Road, due to rash and negligent driving of the offending vehicle i.e., car bearing registration no. UP 14 BT-0022 (make-Tata Aria), being driven by respondent no.1/ Shahid? OPP

16. It is settled proposition of law that in an action founded on the principle of fault liability, the proof of rash and negligent driving of the offending vehicle is *sine-qua-non*. However, the standard of proof is not as strict as applied in criminal cases and evidence is to be tested on the touchstone of the preponderance of probabilities. Holistic view is to be taken while dealing with the Claim Petition based upon negligence. Strict rules of evidence are not applicable in an inquiry conducted by the Claims Tribunal. However, that does not mean that a Tribunal which has been approached with a claim for compensation under the Motor Vehicle Act should ignore all basic principles of law in determining the claim for compensation. The relevant provisions of the Act are not intended to jettison all principles of law relating to a claim for compensation which is still based on a tortious liability. Reference may be made to the judgments titled as **New India Assurance Co. Ltd. v. Sakshi Bhutani & Others.**, MAC APP. No. 550/2011 decided on 02.07.2012; **Bimla Devi & Others v. Himachal Road Transport Corporation & Others**

(2009) 13 SC 530; **Parmeshwari v. Amirchand & Others** 2011 (1) SCR 1096; **Mangla Ram v. Oriental Insurance Co. Ltd. & Others** 2018, Law Suit (SC) 303; & **Oriental Insurance Co. Ltd. v. Meena Variyal & Ors.**, (2007) 5 SCC 428.

17. Now coming to the issue, there is no reason to doubt the testimony of PW2. After the impact, the number plate of the registration number of the offending car had fallen down at the spot of the accident, which was produced before the Tribunal by Vipin, son of the injured/deceased who was examined under section 168 of Bharatiya Sakshya Adhinyam. Therefore, there is no reason to doubt the involvement of the offending vehicle in the accident.
18. Regarding the mode and manner of accident that happened on 25.09.2013, PW2 Daksh Sharma has deposed as under:

“The car had knocked down the motor-cycle from rear side. The car was being driven at a high-speed. I was driving the motor-cycle and the offending car had overtaken me. The exact speed at which the car was being driven, I cannot say, however, it may be 70-75 kmph. I was driving motor-cycle at the speed of 50-60 kmph. Because of the impact the motor-cycle driver along with the motor-cycle fell on the ground. The offending car after hitting the motor-cycle had fled from the spot. I had seen the registration number of the offending vehicle. As of now, I do not remember the registration number. The registration number plate of the offending car had fallen at the accident spot. I had seen the number plate falling from the offending vehicle xxx. I had accompanied the injured to the Hospital, who was taken to the Hospital by an auto rickshaw”.

19. The deposition of PW2 Daksh Sharma is corroborated by the mechanical inspection report dated 29.09.2013 of the offending vehicle in which all the damages that have been recorded pertain to the front portion of the offending vehicle. In any collision of two motor vehicles going in the same direction, if one vehicle hits the rear of another vehicle from behind, unless there is some innocent explanation from the driver of the rear vehicle, the rashness or negligence is writ large in the very fact of hitting the vehicle on the front from the rear side. On behalf of the respondent no.1 and 2, there is no explanation, as by them no evidence has been led in their defense. Moreover, in the cross-examination of PW2 Daksh Sharma, conducted by learned counsel for respondent no.1 and 2, the mode and manner of the accident has not been disputed to. There is no material on record to indicate that PW2 Daksh Sharma is not an independent witness or has been tutored in any manner. The deposition of PW2 is natural and coherent and substantially remained unscathed.

20. As per brief history recorded in the the discharge summary of Yashoda Hospital, Ghaziabad, where the injured was shifted on 12.10.2013 and remained admitted till 17.11.2013, shows that primarily the injured was taken to Kailash Hospital, Meerut Road with the history of RTA on 25.09.2013 approx 07:15 p.m. at Raj Nagar Extension Road. It is further found mentioned that patient was admitted in ICU in Kailash Hospital for head injury and fracture femur.

21. In view of the above, it is held that petitioners have been able to establish on the basis of the preponderance of probabilities that the injured Satya Veer Singh (now deceased) had sustained grievous injuries in the present motor vehicular accident which was caused due to rash and negligent driving of offending vehicle by the respondent no.1. Issue no.1 is, accordingly, decided in favour of the petitioners.

ISSUE NO.2

Whether the petitioners are entitled for compensation, if so, to what extent and from whom? OPP

COMPUTATION OF COMPENSATION

22. Section 168 of Motor Vehicles Act, 1988 enjoins upon the claim Tribunal to hold an inquiry into the claim to make an award determining the amount of compensation, which appears to be just and reasonable. As per settled law, compensation is not expected to be a windfall or a bonanza nor it should be a pittance. “Just compensation” cannot be equated with bonanza but it suggests application of fair and equitable principles and reasonable approach of the Tribunal while awarding the compensation. This reasonableness must be on large peripheral field. A man is not compensated for the physical injury caused in the accident, rather, he is compensated for the loss that he suffered as a result of that injury that he suffered in the accident. [Ref. *Yadava Kumar v. National Insurance Co. Ltd.*, (2010) 10 SCC 34; *Raj Kumar v. Ajay Kumar*, (2011) 1 SCC 343; *Puttamma v. K.L. Narayana Reddy*, (2013) 15 SCC 45].

23. In the present case, the injured Satya Veer Singh expired on 13.02.2025 i.e. after about 11 years, 04 months and 18 days of the date of the accident (25.09.2013) and it has not been established on record by leading cogent evidence that his death was the result of injuries which he received in the accident. Therefore, the present case has to be treated as injury case where the injured had died subsequently and accordingly, the issue no.1 was framed in this case.
24. In case (where the injured died subsequently) of ‘**Oriental Insurance Co. Ltd. v. Kahlon Gosakan & Anr.**’, V (2021) SLT 212 (Civil Appeal no. 4800/2021, decided on 16.08.2021), Hon’ble Supreme Court has held as under:

“20. We see no reason to deviate from the consistent judicial view taken by more than one High Court that loss of estate would include expenditure on medicines, treatment, diet, attendant, doctor’s fee, etc. including income and future prospects which would have caused reasonable accretion to the estate but for the sudden expenditure which had to be met from and depleted the estate of the injured, subsequently deceased.

21. However, the compensation under the head pain and suffering being personal injuries is held to be unsustainable and is disallowed.”

25. The Motor Vehicles Act is a beneficial and welfare legislation. If the legal heirs can pursue claims in case of the death of the person in road accident caused by a vehicle, the legal representatives can also pursue claims for loss of property akin to the estate of the injured if he is deceased subsequently for reasons other than attributable to the accident or injuries under section 166(1)(c) of Motor Vehicles Act. Such a claim by the legal representatives would be completely

distinct from personal injuries to the claimant and which may not be the cause of death. Such claims of personal injuries would undoubtedly abate with the death of the injured. The respondents are liable to pay just and fair compensation to the claimants in the claim petition and if the offending vehicle is insured, then the insurer has a statutory obligation to pay compensation in motor accident claim cases. This obligation cannot be evaded behind the defence that it was available only for personal injuries and abates on his death irrespective of the loss caused to the estate of the deceased because of the injuries. The income which a person derives compositely forms part of the expenditure on himself, his family and the savings go to the estate. Loss of estate would include expenditure on medicines, treatment, diet, attendants, Doctor's fees, etc. including income and future prospects which would have caused a reasonable accretion to the estate but for the sudden expenditure, which had to be met with and depleted the estate of the injured, subsequently deceased. However, the loss of estate would not include the compensation granted by the Claims Tribunal under the head pain and suffering, loss of amenities, etc. as the compensation under these heads are personal in nature, which could have only enjoyed or compensated the injured and would not have caused any accretion to the estate of the deceased [**Ref. Kahlon Gosakan** (supra)]. Accordingly, the compensation in this case shall be as under:-

PECUNIARY DAMAGES :

Medical Expenses

26. With respect to the medical expenses incurred on treatment of the

injured Satya Veer Singh (now deceased), the petitioners have examined two witnesses. One is PW2, Record Keeper from Yashoda Hospital, Ghaziabad, who proved the final bill Ex.PW2/1 (colly) of Rs.3,79,087/- with respect to hospitalization of the injured in their hospital from 12.10.2013 to 17.11.2013. A perusal of Ex.PW2/1 (colly) shows that after discount of Rs.6,087/-, the net amount of **Rs.3,73,000/-** was paid against the said final bill. The second witness is PW3 Record Clerk from Kailash Hospital, Ghaziabad, who proved the final bill Ex.PW3/A of **Rs.79,000/-** with respect to hospitalization of the injured from 25.09.2013 to 12.10.2013. PW3 also proved the relevant page of the payment receiving register as Ex.PW3/B.

27. Apart from above, PW1 Vipin, son of the injured (deceased) also proved medical bills Ex.PW1/2 (colly) and at the stage of final arguments filed his affidavit providing brief summary of said bills calculating the total amount as Rs.10,43,447/-. However, on perusal of medical bills Ex.PW1/2 (colly), the total of the same is computed by the Tribunal as **Rs.4,86,314/-** only. The discrepancy in the total amount of medical bills Ex.PW1/2 (colly) as calculated by the Tribunal and that has been computed by the petitioner occurs because of the fact that the petitioner has calculated the advance payments also against the final bills of Rs.3,73,000/- and Rs.79,000/- in addition to the said final bills and also due to the fact that the actual amount of certain bills are different than the amount mentioned in brief summary of bills filed by the petitioner. These bills have been duly proved on record as Ex.PW1/2 (colly). Hence, a total sum of **Rs.9,38,314/-** (3,73,000+79,000+Rs.4,86,314) is granted

to the petitioner under the head of medical expenses.

Loss of earning during treatment

28. The injured met with the accident on 25.09.2013. The final bill Ex.PW3/A shows that after the accident, the injured was admitted in Kailash Hospital, Meerut Road, Ghaziabad, where he remained hospitalized w.e.f. 25.09.2013 till 12.10.2013. Discharge summary of said hospital is not found on record, however, as per brief history recorded in the the discharge summary of Yashoda Hospital, Ghaziabad, where the injured was shifted on 12.10.2013 and remained admitted till 17.11.2023, shows that primarily the injured was taken to Kailash Hospital, Meerut Road with the history of RTA on 25.09.2013 approx 07:15 p.m. at Raj Nagar Extension Road. It is further found mentioned that patient was admitted in ICU in Kailash Hospital for head injury and fracture femur. The discharge summary of Yashoda Hospital further reveals the diagnosis as ‘diffuse axonal injury with right femur fracture with bed sore sacral’ and that the injured was operated upon on 26.10.2023. Though no treatment record after getting discharged from the hospital has been placed on record, however, considering the period of hospitalization viz-a-viz the nature of injury, it may be safely assumed that the injured must have undergone further treatment also. Thus, it may be concluded that the injured must have been under treatment for at least **six months** from the date of accident and hence, the claimants are entitled for loss of income of the injured for the said period during treatment.

29. In order to compensate the injured for the aforesaid period of six months, his income has to be ascertained first. PW1, son of the injured (since deceased) has deposed by way of his affidavit Ex.PW1/A that his father was running a confectionary shop near Movie World Cinema, GDA Market, Sihani Chungi, Ghaziabad and was earning Rs.18,000/- per month and he was also paying the income tax. PW1 has placed on record the ITRs filed by his father/injured for AY 2014-15 and 2015-16 as Ex.PW1/5 (colly). The accident happened on 25.09.2013 i.e. during AY 2014-15. Hence, for assessment of the income of the injured the relevant AY is 2013-14, however, no ITR for AY 2013-14 has been placed on record and since the accident happened in the mid of AY 2014-15 for which ITR was filed by the injured, the income shown in AY 2014-15 shall be assumed to be the income of the deceased, which was Rs.1,59,500/- with tax paid as 'zero'. The ITR of subsequent AY 2015-16 shows the income of the injured as 'zero' and from the said fact, it may be inferred that due to the injuries received in the accident, the injured could not earn any livelihood because of which he showed his income as zero in the ITR of subsequent year i.e. AY 2015-16. Thus, income of the injured is assessed as Rs.1,59,500/- per annum. Accordingly, a sum of **Rs.79,750/-** (1,59,500/12x6) is granted to the petitioner on account of loss of income of six months' during treatment.

Loss of Future Earnings (Due to Disability)

30. The disablement and loss of earning capacity are two different aspects and not substitute for each other and the loss of income has

to be seen considering the profession in which the injured was engaged at the time of the accident.

31. In the present case, the Disability Certificate bearing no. Addl.MS(PK)/CMB-70/ 2015/RMLH, dated 25.01.2016, issued by Medical Board of Dr. Ram Manohar Lohia Hospital, New Delhi, which has been proved as Ex.PW1/4 (already exhibited) by PW4 Dr. Manish K. Kandpal of RML Hospital, New Delhi. The Disability Certificate reveals that the injured had suffered 90% brain disability. PW4 also proved the muscles evaluation chart as Ex.PW4/A as well as the report Ex.PW4/B prepared by Dr. S. Bhaskar, Associate Professor, Neuro Surgery, after examination of the injured.
32. A perusal of Disability Certificate shows that the Medical Board has certified as follows: “The Board has re-evaluated after the opinions from occupational therapy and neuro-psychological assessment and is of the opinion that the patient has significant organic brain dysfunction that amounts to 90% disability”. PW4 Dr. Manish K. Kandpal of RML Hospital, New Delhi.in his cross-examination has made it clear that the injury was not recoverable. Keeping in view the nature and extent of disability which the injured had suffered as a result of the accidental injuries, which has been assessed by the Medical Board as 90% in relation to brain dysfunction, is hereby considered to be 100% functional disability in relation to the whole body of the injured.
33. Further, the law is well settled that there should be no departure from the multiplier method in injury cases also [refer: **Sandeep Khanuja**

vs. Atul Dande & Anr., (2017) 3 SCC 351].

34. In the decision of **Dhannalal @ Dhanraj (Dead) Thr. LRs. v. Nasir Khan & Ors.**, Civil Appeal no. 2159/2024, decided on 26.09.2025, it has been decided by Hon'ble Supreme Court that :

“It is trite that what is awarded to an injured in a claim petition is just compensation and as held by this Court it cannot lead to a windfall for the injured claimant or his legal heirs. The Tribunal and the High Court had adopted the multiplier of 14 for the 45 year old claimant which is in accordance with the judgment of a Constitution Bench of this Court in National Insurance Co. Ltd. v. Pranay Sethi & Ors. The fact remains that the injured lived only for 11 years. Probably; his life span having been reduced by the injuries which rendered him 100% disabled, ultimately resulting in his demise. The multiplier is applied on the assessment of the normal life span where an injured or deceased in a motor accident would have worked and earned to support himself and his family. When the consideration in the present appeal, is with respect to the loss occasioned to the estate of the injured; the injured having died, the multiplier adopted 14 cannot be applied which will have to be reduced to 11, the actual life span. The victim not being engaged in a regular employment still is entitled to 25% for future prospects especially since his functional disability was 100%, totally disabled from carrying on any work to generate any income.”

35. In the present case, The Aadhaar Card of the injured Ex.PW1/3 shows his year of birth as 1970, which would mean that he was 43 years of age on the date of accident (25.09.2013) and he expired on 13.02.2025 i.e. after 11 years of his accident. Hence, multiplier of 11 in respect of the actual life span of the injured after the accident

would be applicable here [refer: **Dhannalal** (supra)]. Further, future prospects of 25% would also be applicable considering the injured as self employed, belonging to age group between 40-50 years.

36. Thus, applying the multiplier 11 and future prospects @ 25% to the annual income of the deceased (Rs.1,59,500/-) with 100% loss of income on account of whole body functional disability, the total loss of future income would come to **Rs.21,93,125/-** [100% of (1,59,500x125/100x11)] and the same is awarded to the claimants under this head.

Special Diet & Conveyance Charges

37. The discharge summary of Yashoda Hospital, Ghaziabad, the injured was diagnosed to have suffered ‘diffuse axonal injury with right femur fracture with bed sore sacral’. He remained hospitalized in said hospital from 12.10.2013 to 17.11.2023 and prior to that he remained admitted in Kailash Hospital, Meerut Road, Ghaziabad from the date of accident (25.09.2013) till 10.10.2013. During hospitalization in Yashoda Hospital, he had to undergo surgery i.e. ‘open reduction and internal fixation and IM/ IL nail right femur done under GA on 26.10.2013’. The voluminous medical record has been placed on record which has been exhibited as Ex.PW2/1 (colly) which reveals regarding the entire treatment and medical expenses of the injured during his hospitalization in Yashoda Hospital and Kailash Hospital. Though no treatment record after discharge from hospital has been filed, however, keeping in view the nature of injury, it may be assumed that the injured must have taken further

treatment also. Thus, considering the nature of the injury and period of treatment, it can be safely inferred that the petitioner had to spend a reasonable amount on high and rich protein diet for the purpose of early recovery, especially post surgery as well as visiting the hospital/ doctor during further treatment. Hence, a sum of **Rs.50,000/-** each for special diet and transportation charges is granted under this head.

Attendant Charges

38. Though attendant charges have not been proved on record, however, keeping in view that as a result of the injuries received in the accident, the injured had suffered 90% brain dysfunction which has been assessed by this Tribunal to be 100% functional disability of the injured, the injured would have needed attendant 24x7 for the period till he lived after his accident.
39. Hon'ble Supreme Court in judgment of **Kajal vs Jagdish Chand**, AIR 2020 Supreme Court 776, has granted future attendant charges of two attendants to the injured girl, aged 12 years, at the rate of minimum wages of skilled labourers, by applying multiplier method.
40. In the present case, on the date of accident, i.e., 25.09.2013, the minimum wages of skilled labourers in State of U.P. were Rs.6,296.38/- per month. In this case, the multiplier of 11 has been determined above. The petitioner shall be entitled for two attendants. Accordingly, the future attendant charges are computed as **Rs.16,62,244/-** (6,296.38x2x11x12) and said amount is granted to the claimants under this head.

41. Thus, the compensation awarded to the petitioner is summarized as under:-

Sl. No.	Head of compensation	Amount
1.	Medical Expenses	Rs.9,38,314/-
2.	Loss of Earnings (During Treatment)	Rs.79,750/-
3.	Loss of Future Earnings (Due to Disability)	Rs.21,93,125/-
4.	Special Diet and Conveyance Charges	Rs.1,00,000/-
5.	Attendant Charges	Rs.16,62,244/-
Total		Rs.49,73,433/-

Thus, the compensation in this case comes to Rs.49,73,433/-.

INTEREST

42. The petitioner shall also be entitled to the interest on the award amount. Vide order dated 24.07.2023, The Hon'ble Delhi High Court directed that the petitioner would not be entitled to any interest from 20.10.2014 till filing an application seeking restoration of the first claim petition. Perusal of record shows that the petitioner moved the application under Order 9 Rule 9 r/w section 151 of CPC on 12.09.2023 for restoration of the claim petition, which was disposed of vide order dated 15.03.2024. Hence, in view of the direction of Hon'ble High Court, the petitioner shall not be entitled to any interest from 20.10.2014 till 12.09.2023. This claim petition was filed on 20.01.2014. Hence, the petitioner shall be entitled for interest @ 7% per annum on the award amount from the date of filing of the claim petition i.e. 20.01.2014 till realization except the period from 20.10.2014 till 12.09.2023.

LIABILITY

43. As insurance company has contractual and statutory liability to indemnify the insured and, in this case, the insurance company has not been able to prove on record that any term or condition of insurance policy was breached/ violated by insured, therefore, respondent no.3/ insurance company is held liable to pay the aforesaid compensation amount.

RELIEF

44. In the light of the decision on substantive issues framed the present claim petition is allowed and the following award is being passed:

AWARD

45. This Tribunal awards a compensation of **Rs.49,73,443/-** (Rs. Forty-Nine Lakhs Seventy-Three Thousand Four-Hundred Forty Three Only) to the petitioners along with interest @ 7% per annum from from the date of filing of claim petition i.e. 20.01.2014 till realization except the period from 20.10.2014 till 12.09.2023. The interim compensation, if any, shall be adjusted against the award amount.
46. The respondent no.3/ Oriental Insurance Co. Ltd. is directed to deposit the award amount in A/c no.20780110171912 (IFSC Code UCBA0002078), UCO Bank, Karkardooma, Delhi of PO MACT, Shahdara, through RTGS/ NEFT, within 30 days from today.

Disbursement of Award Amount

47. The mode of disbursement of the award amount to the petitioners shall be decided after compliance of the award.

Direction to the Petitioner & their Bank

48. The petitioner(s)/ claimant(s) is/are directed to open their Saving Bank Account in any nationalized bank near the place of their residence, if already not opened. The concerned Bank Manager(s) of the Bank, where the petitioner(s) already has/have a bank account or a new bank account is opened, is/are directed as follows:

- (i) No Cheque Book and ATM/Debit Card be issued to the petitioner without permission of the Court/MACT Tribunal. However, in case the ATM/Debit Card and/or Cheque Book have already been issued, bank shall cancel the same before the disbursement of the amount.
- (ii) The Bank shall not permit any joint name(s) to be added in the savings bank account or fixed deposit accounts of the petitioner. However, money may be released by means of a withdrawal slip.
- (iii) The Bank Manager of petitioner's bank is also directed to make endorsement regarding compliance of aforesaid directions on the passbook.

After the Bank Manager makes the endorsement regarding compliance of the aforesaid directions on the bank passbook of the petitioner(s), the petitioner(s) shall produce the original passbook having the said endorsements as well as his/her/their Aadhaar Card and PAN Card before the Tribunal on the next date of hearing or in any case before hearing the final arguments.

If the petitioner(s) fail to comply with the said direction, the disbursement of the award amount (if the award is passed) shall be made subject to the following conditions:

- (iv) The petitioner(s) shall have to open a MACT compliant Bank account in the UCO Bank, Karkardooma, subject to aforesaid terms and conditions and the petitioner shall also furnish the

12.	Non-Pecuniary Loss:	
(i)	Compensation for mental and physical shock	Not applicable
(ii)	Pain and suffering	
(iii)	Loss of amenities of life	Nil
(iv)	Disfiguration	Not applicable
(v)	Loss of marriage prospects	Not applicable
(vi)	Loss of earning, inconvenience, hardships, disappointment, frustration, mental stress, dejection and unhappiness in future life etc.	--
13.	Disability resulting in loss of earning capacity:	Yes
(i)	Percentage of disability assessed and nature of disability as permanent or temporary	90% permanent disability in relation to brain
(ii)	Loss of amenities or loss of expectation of life span on account of disability	Not applicable
(iii)	Percentage of loss of earning capacity in relation to disability	Functional disability in relation to whole body assessed as 100%
(iv)	Loss of future income – (Income x% Earning Capacity x Multiplier)	Rs.21,93,125/- 100% of (1,59,500x125/100x11)
14.	TOTAL COMPENSATION	Rs.49,73,433/-
15.	INTEREST AWARDED	@ 7%
16.	Interest for 03 years, 03 months & 04 days i.e. from the date of filing of claim petition dated 20.01.2014 till realization except the period from 20.10.2014 till 12.09.2023	Rs.11,35,324/-
17.	Total amount including interest	Rs.61,08,757/-
18.	Award amount released	Would be decided after compliance of award
19.	Award amount kept in FDRs	Would be decided after compliance of award

20.	Mode of disbursements of the award amount to the claimants(s).	Bank Transfer
21.	Next Date for compliance of award.	29.04.2026

50. With these observations, the claim petition is disposed of. File be consigned to Record Room.

**Announced in the open
Court on 17.03.2026**

**(VIJAY KUMAR JHA)
Presiding Officer-MACT-01 (Shahdara)
Karkardooma, Delhi**