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

+ MAC.APP. 966/2016

UNIVERSAL SOMPO GEN INS CO LTDAppellant

Through: Mr. Mohammed Mustafa & Ms.
Aprita Biswas, Advocates

versus

PARAMJIT SINGH (THR HIS WIFE SURENDER KAUR)

.....Respondent

Through: Mr. S. N. Parashar & Mr. Ritik Singh,
Advocates

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+ MAC.APP. 185/2019

PARAMJIT SINGHAppellant

Through: Mr. S. N. Parashar & Mr. Ritik Singh,
Advocates

versus

CHANDER KUMAR BHAI & ANR (UNIVERSAL SOMPO
GENERAL INSURANCE CO LTD)Respondents

Through: Mr. Mohammed Mustafa & Ms.
Aprita Biswas, Advocates

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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13.02.2026

1. *Mr. Mohammed Mustafa*, Counsel for Insurance Company has essentially challenged the loss of future income that was granted to injured/*Paramjit Singh*, who is now represented through his legal heirs, as he passed away on 14th June 2019.

2. Compensation to the tune of *Rs.7,48,000/-* was awarded by Motor Accidents Claims Tribunal ['MACT'], South-East District, Saket Courts



(hereinafter, '*Tribunal*') and Rs.4,20,000/- was awarded towards loss of future income. This was calculated on the basis of income taken as Rs.20,000/- per month and considering, that injured/*Paramjit Singh* suffered physical impairment of 90%, with respect to his intellectual faculty, requiring re-assessment after two years, therefore, the Tribunal awarded loss of future income for two years at Rs.4,20,000/-.

3. Otherwise, functional disability was assessed at 45% by the Tribunal however, that had no bearing on the computation, since loss of future income was not given for subsequent years. Later by order dated 17th December 2024 this Court directed parties to appear before Joint Registrar to adduce additional evidence to prove the disability certificate and the medical record on the basis of which disability assessment had been made. Thereafter, re-assessment of disability was done and statement of *Dr. Adarsh Kumar*, Professor Forensic Medicine and Chairman, Disability Medical Board, AIIMS Trauma Centre, Delhi was taken on 22nd May 2025 and 21st August 2025. As per the said Disability Certificate, permanent disability of 100% was certified in relation to intellectual impairment.

4. *Mr. Mohammed Mustafa*, Advocate points out that the earlier discharge summary dated 4th June 2015 and subsequent discharge summary dated 15th August 2015 effectively showed that there was no serious head injury to injured/*Paramjit Singh* who was discharged with some follow-up advice. On this basis, he states that since, at the time of assessment by the Tribunal, physical impairment of 90% with respect to intellectual impairment was temporary in nature, permanent disability could not be considered, since no treatment records have been placed on record in the interregnum from February 2016 till 2018. He further states that even if the



cause of death of injured/*Paramjit Singh* was due to the injuries suffered, compensation ought to be given as a ‘*death case*’ and not as an ‘*injury case*’.

5. In response to this, *Mr. S. N. Prashar*, Advocate has relied upon judgment of the Supreme Court in ***Dhannalal alias Dhanraj (Dead) Thr. LRs. v. Nasir Khan and Others*** Civil Appeal No. 2159 of 2024, where, the Supreme Court in paragraphs 5 and 6, while dealing with Section 167 (5) of the Motor Vehicles Act, 1988 has held that right of a person to claim compensation for injury shall, upon the death of a person injured, survive to his legal representatives, irrespective of whether the cause of death is relatable to or had any nexus with the injury or not. Relevant paragraphs are extracted as under:

“5. We have to first deal with the preliminary objection raised against the continuation of the proceedings after the victim died. The Full Bench of the Madhya Pradesh High Court on an interpretation of the provisions of the Motor Vehicles Act, 1988, especially Section 166, juxtaposed with Section 306 of the Indian Succession Act, 1925 held : “...that a claim for personal injury filed under Section 166 of the Motor Vehicles Act, 1988 would abate on the death of the claimant and would not survive to his legal representatives except as regards the claim for pecuniary loss to the estate of the claimant.” (sic paragraph 15).

6. The answer is simple and clear in so far as the insertion of sub-section (5) to Section 167 by Act 32 of 2019 with effect from 01.04.2022, which reads as under:

“[(5) Notwithstanding anything in this Act or any other law for the time being in force, the right of a person to claim compensation for injury in an accident shall, upon the death of a person injured, survive to his legal representatives, irrespective of whether the cause of



death is relatable to or had any nexus with the injury or not.]”

(emphasis added)

6. Copy of this judgment has been provided to *Mr. Mohammed Mustafa*, Advocate who seeks time to revert on the same.
7. *Mr. S. N. Prashar*, Advocate adverts to question no.9 put to *Dr. Adarsh Kumar* during his cross examination on 21st August 2025, where a question was posed regarding percentage of disability and nature of disability varying, if the patient sustains injury in between issuance of temporary disability certificate and permanent disability certificate. *Dr. Adarsh Kumar* responded that permanent disability was not influenced by any other parameter. He further denied the suggestion that the injury leading to permanent disability had not come with the accidental injury in question.
8. *Mr. S. N. Prashar*, Advocate therefore claims that future loss of earning ought to have been computed at Rs. 22,000 (20,000 + 10% of Rs. 20,000) x 12 x 11 (multiplier) which comes to Rs. 29,04,000/-, since injured/*Paramjit Singh* had suffered 100% permanent disability. He further contends that very less compensation has been awarded towards attendant charges.
9. List on 18th February 2026 in ‘*Supplementary List*’.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 13, 2026/sm/sp