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

Decided on: 01.12.2025

+ MAC.APP. 422/2009

SOBAT SINGH

.....Appellant

Through: Ms. Astha Ranjan, Advocate.

versus

RAMESH CHANDRA GUPTA & ANR.

.....Respondents

Through: Mr. H.S. Parihar, Mr. Kuldeep S. Parihar and Ms. Ikshita Parihar, Advocates for RBI.

Mr. J.P.N. Shahi, Advocate for R2/Insurance Company.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

1. The appellants [legal heirs of the original claimant] seek enhancement of compensation awarded by the Motor Accident Claims Tribunal ["the Tribunal"], by an award dated 18.05.2009 in Suit No. 1159/07. The Tribunal awarded a sum of Rs. 76,050/- in favour of the claimant, in respect of an accident which occurred on 28.03.2006.

2. There was one claimant before the Tribunal, viz. Mr. Sobat Singh. During the pendency of the present appeal, the claimant passed away. By order dated 08.01.2016, his legal heirs, namely his wife and five children, were substituted in his place.

3. It is evident from the order sheets that several larger issues relating to computation and disbursement of compensation, and the welfare of road accident victims, were taken up by the Court in the present appeal.



As recorded in the order dated 28.11.2025, those issues have since been resolved by orders of the Supreme Court and this Court. I have, therefore, proceeded to hear learned counsel for the concerned parties on the merits, as no further directions are sought by them on the larger issues.

4. The facts of the case, as evident from the impugned award, which is not challenged by respondent No. 2 – New India Assurance Company Limited [“the Insurance Company”], are that the claimant was serving as a Constable in the Indo-Tibetan Border Police [“ITBP”]. The accident occurred on 28.03.2006 at 11:20 AM. When the claimant alighted from a bus at Sardar Patel Marg, and was crossing the road, he was hit by a scooter bearing registration No. DL-9SF-1775 [“offending vehicle”], driven by respondent No.1 herein, as a result of which he suffered a fracture in his left leg. At the time of the accident, he was approximately 55 years of age.

5. The claimant was taken to Safdarjung Hospital, where he was treated. He was subsequently treated at ITBP Hospitals at various locations, and underwent a surgery on 10.04.2006 at Batra Hospital and Medical Research Centre, New Delhi.

6. Alleging rash and negligent driving on the part of respondent No.1, the claimant instituted proceedings for compensation before the Tribunal. The Tribunal returned a finding of rash and negligent driving against respondent No.1, and made an award against the respondents [including the insurer of the offending vehicle]. The quantum of compensation was computed as follows:

*“15. In view of the foregoing discussion petitioner is entitled for the following amount of compensation :-
Compensation on account of*



<i>pain and sufferings</i>	: Rs. 10,000/-
<i>Compensation on account of medicines, medical treatment, conveyance and special diet</i>	: Rs. 26,343/-
	: Rs. 5,000/-
<i>Compensation on account of loss of leave</i>	: Rs. 29,700/-
<i>Compensation on account of loss of enjoyment and amenity of life</i>	: Rs. 5,000/-
<i>Total</i>	: Rs. 76,043/-”

7. I have heard Ms. Astha Ranjan, learned counsel for the appellants, and Mr. J.P.N. Shahi, learned counsel for the Insurance Company, on the question of enhancement of compensation.

8. As far as compensation on account of medicines and medical treatment is concerned, the Tribunal awarded Rs. 26,343/-, which was in terms of the medical bills produced by the claimant. There is no dispute on this account.

9. The Tribunal also awarded a lump sum compensation of Rs. 5,000/- on account of special diet and conveyance. Bearing in mind that these expenses are of the year 2006, I do not consider it appropriate to interfere with the assessment of the Tribunal on this account.

10. The Tribunal has also compensated the claimant for loss of leave/salary for a period of three months. The Tribunal found that, although the claimant stated that he had undergone treatment for a period of approximately five months, he had not produced any proof of the leave taken by him. In the affidavit of evidence filed by the claimant before the Tribunal¹, he averred with regard to his treatment at the aforesaid three

¹ Page 38 of the electronic record of the Tribunal, on the record of this appeal.



hospitals, and also stated that he was thereafter periodically examined at ITBP Hospitals until 27.02.2007. The cross-examination by learned counsel for the Insurance Company², reveals that the claimant had not placed any document on record, with regard to his leave for a period of five months. However, in the medical documents, which were placed on record before the Tribunal, an outpatient ticket of the ITBP Medical Facility has been annexed³, which states that he reported after sick leave on 08.07.2006, and was advised admission in the surgical ward. He was thereafter admitted from 10.07.2006 to 25.07.2006, and again from 07.09.2006 to 27.09.2006. However, the evidence does not suggest that he was placed on leave or that he lost any earned leave for the said period. The Tribunal's assessment of loss of earnings for a period of three months from the date of the accident on 28.03.2006, therefore, appears to be based on a proper assessment of the evidence.

11. There being no permanent disability assessed in respect of the claimant's injuries, the Tribunal has rightly not awarded any compensation on account of loss of post-retirement earnings, disfigurement, disability etc.

12. The only question which remains is whether the two heads of non-pecuniary damages – pain and suffering, and loss of enjoyment and amenities of life, have been adequately compensated, for which the Tribunal awarded Rs.10,000/- and Rs. 5,000/-, respectively.

13. The medical evidence, including the Medico-Legal Certificate

² Page 36 of the electronic record of the Tribunal, on the record of this appeal.

³ Page 150 of the electronic record of the Tribunal, on the record of this appeal.



issued by Safdarjung Hospital immediately after the accident⁴, does not indicate any lasting complication apart from the fracture in one leg. However, the claimant's treatment did take a fairly long time, as evidenced by the medical reports of the ITBP Hospital referred to hereinabove. Having regard to the aforesaid facts, I am of the view that the non-pecuniary damages, awarded by the Tribunal, require some enhancement.

14. I am conscious of the fact that these damages were assessed in the year 2009, in respect of an accident which occurred in 2006. However, considering the rate of inflation, based on the Consumer Price Index, the value of money then was approximately 3.5 times what it is today. As an alternative, the yardstick of minimum wages also reveals an approximate six-fold increase over this period. Even accounting for these substantial variations in the value of money, the compensation under these two heads, in my view, requires enhancement. The compensation for pain and suffering is accordingly enhanced from Rs. 10,000/- to Rs. 30,000/-, and on account of loss of enjoyment and amenities of life is enhanced from Rs. 5,000/- to Rs. 15,000/-.

15. The total compensation payable by the Insurance Company to the appellants, thus stands enhanced from Rs. 76,050/- to Rs.1,06,050/-. The awarded amount will carry interest at the rate of 7% per annum, as directed by the Tribunal.

16. I am informed that the amount awarded by the Tribunal has already been deposited and released to the appellants. The balance amount, alongwith up-to-date interest, be deposited by the Insurance Company

⁴ Page 89 of the electronic record of the Tribunal, on the record of this appeal.



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with the Tribunal within a period of eight weeks from today. The said amount be released equally in favour of each of the appellants, alongwith pro-rata interest accrued thereon.

17. The appeal stands disposed of in these terms.
18. The statutory deposit, if any, be refunded to the appellants.

PRATEEK JALAN, J

DECEMBER 1, 2025
SS/KA/