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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **MAC.APP. 562/2025&CM APPL. 54949/2025**  
**ASHUTOSH TIWARI @ ASHUTOSH** .....Appellant  
Through: Mr. S.N. Parashar and Mr. Ritik  
Singh, Advocates.  
versus  
**CHARAN SINGH & ORS.** .....Respondents  
Through: Mr. A.K. Soni, Advocate for  
Insurance Company.

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

**ORDER**  
**10.12.2025**

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1. This appeal filed by the claimant is directed against an award of the Motor Accident Claims Tribunal ["Tribunal"] dated 30.04.2024 passed in MACT No. 57318/2016, seeking enhancement of the compensation awarded to him by the Tribunal.
2. Two claim petitions - MACT No. 58132/2016 and MACT No. 57318/2016 - were filed under Section 166 read with Section 140 of the Motor Vehicles Act, 1988, in respect of the same accident. The first petition was filed in respect of the death of Mr. Sanjeev Tiwari [hereinafter, "the deceased"], and the second petition was filed in respect of injuries sustained by his son, Master Ashutosh Tiwari, who was 15 years of age at the time of the accident.
3. The claims were instituted on the allegation that, on 29.03.2016 at about 06:45 P.M., the deceased, alongwith his wife and minor son, i.e., the claimant herein, was travelling towards Vasundhara, Uttar Pradesh,



on an Activa scooter bearing registration No. HR-94-XT-1904. When they reached near Plot No.70, Sector-61, Vaishali, a bus bearing registration No. UP-22T-2828 [hereinafter, “offending vehicle”], being driven in a rash and negligent manner, hit their scooter from behind, resulting in a forceful impact. The deceased fell on the road and sustained grievous injuries, to which he subsequently succumbed during treatment, while the minor claimant suffered injuries in the same accident.

4. The Tribunal considered both the claim petitions, and passed a common award in both the cases. As far as the injured son is concerned, he seeks enhancement by way of the present appeal. An independent appeal has been preferred by the Oriental Insurance Co. Ltd. [“Insurance Company”] (MAC.APP. 387/2024) before this Court, against the award arising out of the father’s death, which is being separately considered.

5. In the present case, the Tribunal has found that the claimant’s injuries were caused by rash and negligent driving of the offending vehicle, which was insured by respondent No.3 herein. It thereafter proceeded to assess compensation under the following heads:

| Heads                             | Amount awarded by the Tribunal |
|-----------------------------------|--------------------------------|
| <b>Pecuniary Compensation</b>     |                                |
| Expenditure on treatment          | Rs. 1,65,870/-                 |
| Expenditure on conveyance         | Rs. 50,000/-                   |
| Expenditure on special diet       | Rs. 50,000/-                   |
| Cost of nursing/attendant         | Rs. 50,000/-                   |
| Loss of studies                   | Rs. 50,000/-                   |
| <b>Non-Pecuniary Compensation</b> |                                |
| Pain and suffering                | Rs. 1,50,000/-                 |
| Loss of amenities of life         | Rs. 50,000/-                   |
| <b>Total Compensation</b>         | <b>Rs. 5,65,870/-</b>          |

6. Before this Court, the appellant has placed on record a disability



certificate dated 16.08.2023 issued by the Chief Medical Officer, Gautam Buddh Nagar, Uttar Pradesh, which shows that the appellant has suffered 60% permanent disability in relation to his left arm, brain, and spine, and that his case has been diagnosed as one of Chronic Neurological Conditions and Post-Traumatic Cerebral Ataxia. Mr. S.N. Parashar, learned counsel for the appellant, points out that the appellant remained in a coma for more than two years after the accident, and states that the disability certificate was issued after the appellant's treatment had concluded. He submits that the certificate could not be produced before the Tribunal, resulting in an inadequate award.

7. There is no award at all in respect of loss of future earnings or future medical treatment, and the non-pecuniary damages have also been underestimated, as the Tribunal had incomplete information regarding the nature and extent of the appellant's injuries. Having regard to the fact that this assessment would require the Tribunal to consider the extent and nature of the disability and arrive at a conclusion regarding the functional disability of the appellant, it may also be necessary to take further medical evidence. Mr. Parashar, therefore, submits that the matter be remanded to the Tribunal for further consideration on the quantum of compensation.

8. Mr. A.K. Soni, learned counsel for the Insurance Company, does not object to this course of action.

9. Having regard to the above, MACT No. 57318/2016 is remanded to the Tribunal for consideration of enhancement of compensation. The parties will appear before the Tribunal on 08.01.2026. They are free to lead further evidence before the Tribunal.



10. The amount awarded by the Tribunal has already been deposited by the Insurance Company, and is being released in accordance with the directions contained in the impugned award. It is made clear that this order does not affect that process in any manner.
11. The appeal is therefore disposed of in the aforesaid terms.
12. The pending application also stands disposed of.

**PRATEEK JALAN, J**

**DECEMBER 10, 2025**  
SS/JM/