



2026:DHC:3066



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 9th April 2026+ MAC.APP. 860/2013 & CM APPL. 15004/2013

SATISH KUMAR

.....Appellant

Through: Mr. Deepanshu, Mr. Deepak
Chhikara, Mr. Harsh Saxena and Mr.
Shrey Saha, Advocates.

versus

KUMARI KANIKA SIBAL & ORS

.....Respondents

Through: Mr. JPN Shahi, Advocate for R-
3/Insurance Co.

CORAM:**HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J (ORAL)**

1. This appeal has been filed by claimant seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Saket Courts, New Delhi [*MACT*], *vide* impugned award dated 3rd April 2013 in *MACT No.104/2011*, wherein compensation of Rs.6,19,386/- along with 9% interest was awarded in favour of claimant [*appellant herein*].

2. Said impugned judgement was passed in relation to an accident that took place on 4th December 2010, when appellant/claimant was travelling on a motorcycle bearing registration no. *DL-2SD-4697*. When he reached in front of *Purvi Marg, Vasant Vihar, New Delhi*, a *Santro Car* bearing

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registration no. *DL-9C-H-3603* driven by respondent no.1 in a rash and negligent manner, hit appellant/claimant, causing him grievous injuries. FIR No. 350/2010 under *Sections 279/338* of Indian Penal Code 1806 [*IPC*] was registered at Police Station *Vasant Vihar*.

Analysis

3. Pursuant to directions of this Court by order dated 21st January 2014, injuries suffered by appellant/claimant were subsequently certified by the Disability Board of *Dr. Baba Saheb Ambedkar Hospital* as **29%** physical impairment with respect to *left lower limb*.

4. Counsel for appellant contends that *vide* impugned award, compensation of Rs. 6,19,386/- was awarded, comprising Rs. 2,50,886/- towards *medical expenses*, Rs. 2,00,000/- towards *future medical expenses* in view of further surgery and implant removal likely to be required, Rs. 58,500/- towards *loss of fees*, Rs. 20,000/- towards *loss of studies*, Rs. 40,000/- towards *special diet and conveyance*, and Rs. 50,000/- towards *pain and suffering*, together with interest @ 9% per annum from the date of filing of Detailed Accident Report i.e. 06th January 2011, till realization, holding the driver [*respondent no.1 herein*] and owner [*respondent no.2 herein*] jointly and severally liable, with insurer [*respondent no.3 herein*] directed to indemnify and satisfy the award.

5. However, MACT rejected his claim for '*loss of income*', considering that appellant was a 3rd Year B-Tech Student. Counsel for appellant therefore, submits that enhancement is being sought only on account of '*loss of future income*', since the same was not awarded and since '*permanent*

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disability’ has now been certified at **29%** in relation to *left lower limb*. The only surviving issue, therefore, relates to assessment of *loss of future earning* capacity consequent to permanent disability.

6. For this purpose, counsel for appellant draws attention of this Court to the decision of the Supreme Court in ***S. Mohammed Hakkim v. National Insurance Co. Ltd & Ors.*** 2025:INSC:905, wherein a similar case of 3rd year B-tech student was considered, and the Court took *notional income* at Rs.20,000/-. For ease of reference, relevant paragraphs are extracted as under:

“8. In the present case, at the time of the accident, the appellant was a 3rd year engineering student who could have had a bright future. While dealing with a case of an accident in which an engineering student had lost one leg, this Court in *Navjot Singh v. Harpreet Singh, 2020 SCC OnLine SC 1562* had noted that:

“12. Admittedly, the appellant was 21 years of age at the time of the accident and he was pursuing a Degree course in Food Technology from Sant Longowal Institute of Engineering and Technology. Though the Tribunal did not believe the claim made by the appellant that he was earning Rs. 10,000/- per month even as a student by taking tuitions, and though the High Court also did not go by the said claim, the High Court arrived at the notional income of the appellant at Rs. 5,000/- per month, on the ground that the minimum wages admissible to an unskilled worker was Rs. 5,000/- per month.

13. But we do not think that the notional income of a student undergoing a Degree course in Engineering from a premier institute should be taken to be



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equivalent to the minimum wages admissible to an unskilled worker. Students recruited through campus interviews are atleast offered a sum of Rs. 20,000/- per month. Even if we do not go on the said basis, the High Court could have fixed the notional income atleast at Rs. 10,000/- per month.

14. Therefore, in the facts and circumstances of the case, and by exercising our power under Article 142 of the Constitution of India, we take the notional monthly income of the appellant as Rs. 10,000/- per month.”

*9. In the above case, this Court was dealing with a case of an accident that occurred in the year 2013. Although considering the facts of that case, this Court had taken the income of the claimant therein as Rs. 10,000/- per month, it was noted that students, like the appellant in the present case, would be at least earning the minimum of Rs. 20,000/- per month. Thus, in our opinion, it would be in the interest of justice if the notional income of the appellant were taken as Rs. 20,000/-. According to the guidelines in **Sarla Verma v. DTC, (2009) 6 SCC 121** as upheld in **National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680**, the multiplier would be taken as 18, and future prospects would be 40%. Therefore, the loss of income would be as follows:*

<i>Monthly Notional Income</i>	<i>Rs. 20,000/-</i>
<i>Monthly Notional Income along with 40% future prospects</i>	<i>Rs.20,000 + 40% of Rs.20,000 = Rs.28,000/-</i>
<i>Annual Income</i>	<i>Rs. 28,000 x 12 = Rs. 3,36,000/-</i>
<i>Multiplier</i>	<i>18</i>
<i>Total Loss of Income</i>	<i>Rs. 3,36,000 x 18=Rs.60, 48,000/-</i>

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7. In the present case as well, appellant/claimant was pursuing an engineering degree at the time of the accident and has suffered permanent physical impairment affecting his lower limb, which would reasonably impact his *future earning capacity* in technical employment requiring mobility and functional efficiency.

8. Considering the similarity of the facts of the aforesaid decision with the present case, where appellant was a 3rd year B.Tech student at the time of the accident and has since been certified to have suffered **29%** permanent physical impairment in relation to the *left lower limb* affecting his *future earning capacity*, it would be appropriate to assess his notional income at Rs. 20,000/- per month. Addition of 40% towards *future prospects* is warranted in terms of ***National Insurance Co. Ltd. v. Pranay Sethi***, (2017) 16 SCC 680, and applying multiplier of 17 as per ***Sarla Verma v. DTC***, (2009) 6 SCC 121, functional disability for the purpose of computation is assessed at 20% as per ***Raj Kumar v. Ajay Kumar & Anr.*** (2011) 1 SCC 343. Accordingly, compensation towards *loss of future earning capacity* is liable to be recalculated.

9. Since the amounts awarded towards *loss of fees* and *loss of studies* relate to the overall deprivation suffered by appellant/claimant during the period of disability and consequent disruption of academic progression, the same are subsumed within compensation awarded towards *loss of amenities of life*. Accordingly, Rs.1,00,000/- is awarded toward *loss of amenities of life*.

10. Accordingly, compensation is recomputed as under:



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SR. NO.	HEADS	AWARDED BY THE TRIBUNAL	AWARDED BY THIS COURT
PECUNIARY LOSS			
1	Expenditure on treatment (A)	Rs. 2,50,886/-	Rs.2,50,886/-
2	Expenditure on conveyance and special diet (B)	Rs.40,000/-	Rs.40,000/-
3	Cost of nursing / attendant (C)	Nil	Nil
4	Loss of earning capacity (D)	Nil	Rs.11,42,400/-
5	Loss of income (E)	Nil	Nil
6	Any other loss which may require any special treatment or aid to the injured for the rest of his life (F)	Nil	Nil
7	Future Medical Expenses (G)	Rs.2,00,000/-	Rs.2,00,000/-
NON-PECUNIARY LOSS			
8	Compensation for mental and physical shock (H)	Nil	Nil
9	Pain and suffering (I)	Rs.50,000/-	Rs.50,000/-
10	Loss of amenities of life (J)	-	Rs.1,00,000/-
11	Disfiguration (K)	Nil	Nil
12	Loss of marriage prospects (L)	Nil	Nil
13	Loss of fees (M)	Rs.58,500/-	Included in Loss of amenities
14	Loss of studies (N)	Rs.20,000/-	Included in Loss of amenities

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DISABILITY RESULTING IN LOSS OF EARNING CAPACITY			
15	Percentage of disability assessed and nature of disability as permanent or temporary	Nil	29%
16	Loss of amenities or loss of expectation of life span on account of disability	Nil	Assessed above
17	Percentage of loss of earning capacity in relation to disability	Nil	20%
18	Loss of future income (Income X% Earning capacity x Multiplier)	Nil	Rs.11,42,400/- [Rs.20,000/- + 40% x 12 x 17 x 20%]
TOTAL COMPENSATION		Rs.6,19,386/-	Rs.17,83,286/-
INTEREST AWARDED		9%	9%

11. For the aforesaid reasons, compensation has been enhanced by Rs.11,63,900/- [*“enhanced amount”*].

12. Enhanced amount shall carry interest @ 9% from the date of assessment by Disability Board i.e. 22nd April 2014, since there was no reason apparent prior to disability assessment to determine loss of future income.

13. It is therefore directed as under:

- i. Enhanced amount along with 9% interest per annum from 22nd April 2014 shall be deposited before MACT within a period of six weeks. It is directed that a lump sum amount of Rs. 5,00,000/- shall be released to the claimant from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along

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with accrued interest, shall be kept in Fixed Deposit Receipts (**FDRs**) of Rs. 25,000/- each for periods of 3 month, 6 months, 9 months and so on, in succession as maybe calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of claimant. Amount of FDRs on maturity would be released to the Savings Bank Account of claimant upon due verification.

ii. Originally awarded amount shall be disbursed as per the directions passed by the MACT.

14. Accordingly, the appeals stand disposed of with above directions.
15. Pending applications, if any, are rendered infructuous.
16. Copy of this judgement be sent to concerned MACT.
17. Copy of this judgement shall also be sent to concerned bank.
18. Judgment be uploaded on the website of this Court.

ANISH DAYAL
(JUDGE)

APRIL 09, 2026/sm/tk