



2026:DHC:2203



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 10th March 2026*+ **MAC.APP. 581/2019**

NIKETA CHAUHAN

.....Appellant

Through: Mr. Manish Maini, Advocate
with Ms. Aastha Chauhan, Ms.
Anjali Singh, Advocates.

versus

SURESH & ORS (RELIANCE GENERAL INSURANCE CO
LTD)

.....Respondents

Through: Mr. Rajeev M. Roy, Advocate
for respondent no.3.**CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT**

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ANISH DAYAL, J: (ORAL)

1. This appeal has been filed seeking enhancement of the compensation awarded dated 17th November 2018, passed by the Presiding Officer, Motor Accident Claims Tribunal, Shahdara District, Karkardooma, Delhi (*'MACT/Tribunal'*) in MAC Petition No. 358/2016. The incident occurred on 9th July 2014, when the appellant, a 14-year-old school-going girl, was on foot and reached the bus stand, *Surya Nagar Red Light, Road No.77, Vivek Vihar, Delhi*, when suddenly a car bearing No. DL-1YD-6780 driven by respondent no. 1, allegedly in rash and negligent manner, and hit the appellant. As a result, she sustained grievous injuries by her sustained grievous injury.



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2. The said car was insured with respondent No.3/Insurance Company.
3. Due to the accident, appellant suffered permanent disability of 45% towards left lower limb and disability of 52% regarding cognitive disability.
4. *Mr. Manish Maini*, counsel appearing on behalf of the claimant/appellant, contends that the Tribunal completely failed to assess the functional disability despite the disability certificate being on record and the testimony of **PW5** and **PW6** from the doctors of the *GTB Hospital, Delhi*.
5. The MACT in *paragraph 13* has decided on the compensation towards *loss of income* awarded to children basis the decision of the Supreme Court in *Master Mallikarjun v Divisional Manager, the National Insurance Company Ltd & Ors* (2014) 14 SCC 396.
6. *Mr. Maini* states that since the law relating to compensation to minors has evolved through various judgments of the Supreme Court, particularly in *Kajal v. Jagdish Chand* (2020) 4 SCC 413, the compensation awarded requires reconsideration and recomputation.
7. Accordingly, considering the view taken by this Court in *Tata AIG General Insurance Company v. Mukesh Kumar & Ors.* 2026:DHC:756, while relying upon the previous judgment in *National Insurance Company Ltd. v. Sanju & Ors.* 2025:DHC:11781, *Master Ayush v. Branch Manager, Reliance General Insurance Co. Ltd.*(2022) 7 SCC 738, *Minor Roopa v. The Divisional Manager, New India Assurance Company Ltd.* (2024) 12 SCC 490, and *Baby Sakshi*



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Greola v. Manzoor Ahmad Simon 2024 INSC 963, the compensation requires reassessment.

8. Accordingly, the benchmark income of an injured minor ought to be taken as the minimum wages of a skilled worker prevailing at the time of accident, i.e. *Rs.10,374/- per month*. Further, *future prospect* at 40% ought to be added, in terms of the principle laid down by the Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi*** (2017) 16 SCC 680, and a *multiplier* of 18 ought to be applied.

9. Moreover, counsel for claimant has drawn the attention of this Court to disability certificate, which is placed on record, which reflects an overall permanent physical impairment of 71% with respect to the whole body. He contends that the same has been completely overlooked by the Tribunal.

10. *Mr. Rajeev M. Roy*, counsel for Insurance Company, produced an Investigation Report regarding the current status of the claimant, issued by Accurate Investigators. The report, dated 14th April 2022, merely states that the claimant is living at *C-27, Shyam Enclave, Sai Baba, Ghaziabad, UP*, and is a student pursuing B.A. Our attention has been drawn to the appellant's Secondary School Examination marksheet to show that she had indeed sat for the examination.

11. However, this has been countered by *Mr. Manish Maini*, who has pointed out to true copies of education certificates of the High School and the Secondary School Examination, appended on record. A perusal of the same shows that the claimant had been permitted to be assisted by an *Amanuensis* as a scribe for writing her examination papers, which



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is allowed by the Central Board of Secondary Education ('**CBSE**') under the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995*.

12. Moreover, the marksheet of the Secondary School Examination also shows that she had not obtained good grades at all, in fact, stated as “*eligible for improvement of performance*” and “*eligible for qualifying certificate*”.

13. It is further stated that the testimony of **PW2**/Ms. Shashi Bala, who was a TGT (English) teacher in *Sarvodaya Kanya Vidyalaya, Vivek Vihar, Delhi*, also supports the claimant's case. She had deposed that the claimant was studying in Class IX and had secured only 49% marks in Class VIII during the Academic Year 2013-14.

14. She further deposed that after the accident, she suffered low voice pitch, lack of concentration and weak memory and had failed in Maths and SST for Session 2014-15 and got compartment in Maths, Science, and SST. She stated that the Principal had allowed injured-claimant to study in the school on compensatory grounds, but she has to be referred to a special school for disabled persons, and the Principal had only allowed her to sit in the school to boost her morale.

15. **PW2** had further stated that claimant was suffering from frequent headaches and is unable to stand or walk independently on her own, and she had to be accompanied whenever she went out of class.

16. The investigation report relied upon by the Insurance Company does not form part of the record, and, in any event, does not inspire confidence regarding the extent of impediments faced by the claimant



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in her daily life.

17. It is quite clear from her educational certificates that her education/studies have been severely affected, which will inevitably lead to a lack of progress in her ability to pursue a vocation and earn a livelihood in the future.

18. In view of the aforesaid material, the functional disability is assessed at 70%.

19. In addition, a plea has been made for enhancement of the non-pecuniary compensation, towards damages for *disfigurement*, *loss of study*, and *loss of marriage prospects*.

20. While a sum of Rs. 50,000/- has been awarded towards disfigurement and hardship, no amount has been granted towards loss of marriage prospects, and only Rs. 30,000/- has been awarded towards loss of studies. These heads of compensation also require enhancement.

21. Accordingly, the revised compensation be recomputed as under:

S. No.	Compensation under various heads	Amount awarded	Re-computed amount
1.	Reimbursement of medical expenses (A)	Rs. 1,45,283/-	Rs. 1,45,283/-
2.	Pain and sufferings(B)	Rs. 50,000/-	Rs. 50,000/-
3.	Attendant charges, for 3 months @ 5,000/- pm(C)	Rs. 5,000 X 3 = Rs.15,000/-	Rs. 5,000 X 3 = Rs.15,000/-
3.	Conveyance & special diet (D)	Rs. 25,000/-	Rs. 25,000/-
4.	Monthly income of injured(E)	-	Rs.10,374/-
5	Future Prospect(F)	-	40% of Rs. Rs.10,374/-=Rs. 4,149.6/-
6	Multiplier (G)	-	18
7.	Functional Disability (H)	40%	70%
8.	Loss of earning capacity including future damages due to this disability	Rs.4,00,000/-	Rs. 21,95,968.32



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	[I=(E+F)x12xGxH]		
9	Damages for inconvenience, hardship, frustration and permanent disfigurement.	Rs. 50,000/-	Rs.1,00,000/-
10	Compensation for mental and physical shock	Rs. 25,000/-	Rs. 25,000/-
11	Loss of study	Rs. 30,000/-	Rs. 100,000/-
12.	Loss of amenities	Rs. 25,000/-	Rs. 100,000/-
13.	Loss of marriage prospect	Nil	Rs. 100,000/-
14.	Total	Rs.7,65,283/- (rounded off Rs. 7,66,000/-)	Rs. 28,56,251.32/- (rounded off Rs. 28,56,252/-)

22. The enhanced compensation amount, along with accrued interest at 9% *per annum* from the date of the filing of the claim petition till date, will be deposited before the MACT within six weeks and be released to the claimant as per the directions of MACT.

23. Appeal stands disposed of with above directions.

24. Pending applications, if any, are rendered infructuous.

25. Statutory deposit, if any, be refunded to appellant.

26. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

MARCH 10, 2026/RK/bp