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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: 1st April 2026*

+ MAC APP. 331/2022 & CM APPL. 45662/2022

TUSHAR KANT

.....Appellant

Through: Mr. Aman Panwar, Adv. (Thru VC)

versus

SANJAY SHARMA & ORS.

.....Respondents

Through: Mr. Sahil Paul, Mr. Sandeep Dayal &
Mr. Harmeet Singh Phillip, Advocates
for R-3 NIC

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. This appeal has been filed seeking enhancement of compensation awarded by judgment dated 9th August 2021 passed by the Motor Accident Claims Tribunal ('*MACT*'), Patiala House Courts, New Delhi in DAR No.348/18 awarding compensation of Rs.50,156/- along with interest @ 6% from the date of filing the petition.

2. The accident in question occurred on 1st March 2018, when injured was driving his *Pulsar* motorcycle and collided with a Taxi (*offending vehicle*) bearing registration no. DL-1ZA-5699 coming from the wrong side on *South Avenue Road*; as a result, he suffered grievous injuries. MLC was

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prepared noting nature of injuries as '*grievous*'. It is a matter of record that claimant was discharged the same day from the hospital.

3. Though the Tribunal decided in his favour, *Mr. Aman Panwar*, counsel for appellant, contends that the compensation awarded is highly inadequate and not reflective of actual losses suffered by appellant/claimant. His primary contention relates to loss on account of *studies* and *future prospects* since appellant was pursuing his Masters of Computer Applications (*MCA*) from Indira Gandhi National Open University (*IGNOU*) and contends that appellant could not concentrate on his studies for about 3 months and suffered academic losses.

4. *Mr. Aman Panwar*, further states on instructions that appellant could not appear in upcoming exams and therefore, had to appear for said examination only in the successive year.

5. Tribunal held that no proof was placed on record by the appellant with regard to his academic losses and was not granted any compensation on this count.

6. *Mr. Aman Panwar*, further states that post amendment under Section 164 of the Motor Vehicle Act, 1988 compensation for grievous injuries has now been enhanced to Rs.2.5 lakhs and therefore, keeping this in mind, some lumpsum compensation be awarded in this regard.

7. *Mr. Sahil Paul*, counsel for the insurance company, however, contends that there is no evidence to support this claim of appellant, particularly since he was discharged on the same day nor is there any evidence to prove that he suffered academic loss.



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8. Injured-claimant got himself examined as **PW-1/A** and stated in his testimony that *“I could not concentrate on my studies for about three months and suffered academic losses.”*. In his cross examination he stated *“it is correct that I have not filed any document to show that there was any academic loss due to the accident.”*.

9. Even otherwise, except for evidence of **PW-1**, there is nothing in the Trial Court Record [TCR] in this regard. It has not even been stated by **PW-1** in his testimony that he had missed giving his examination and had to appear in the subsequent year, as is being alleged.

10. In any event, considering the injuries sustained by him were grievous in nature and as per the discharge summary, he suffered injuries and abrasion, over right arm, right flank, right knee, left knee, tenderness over right side of chest and some swelling over left foot, the Court is inclined to award the following enhanced compensation, as under:

S. no	Heads of Compensation	Awarded by tribunal	Awarded by the Court
	Pecuniary Loss		
1.	Expenditure on treatment (A)	Rs.17,656/-	Rs.17,656/-
2.	Expenditure on special diet and special diet (B)	Rs. 7,500/-	Rs. 7,500/-
3.	Attendant charges (C)	Rs. 5,000/-	Rs. 5,000/-
	Non-pecuniary loss		
4.	Mental shock and physical shock (D)	Rs. 7,500/-	Rs. 20,000/-
5.	Loss of Amenities of Life (E)	Rs. 5,000/-	Rs. 20,000/-



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6.	Pain and Suffering (F)	Rs. 7,500/-	Rs. 20,000/-
7.	Total (A+B+C+D+E+F=G)	Rs. 50,156/-	Rs. 90,156/-
8.	Interest	6%	6%

11. The compensation is enhanced by Rs. 40,000/- (“*enhanced amount*”) It is directed that the enhanced amount along with 6% interest per annum from the date of filing the petition will be deposited before the MACT within a period of four weeks.

12. It is directed that the entire enhanced amount along with 6% interest per annum shall be released to the claimant within a period of two weeks thereafter, in the claimant’s designated savings bank account, upon due verification.

13. The appeal stands disposed of in above terms. Pending application, if any, are rendered infructuous.

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

ANISH DAYAL
(JUDGE)

APRIL 01, 2026/sm/zb

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