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

+ **MAC.APP. 959/2013**

NEW INDIA ASSURANCE CO. LTD

.....Appellant

Through: Mr. Sanjay Rawat, Mr. Vibhav Rawat
and Mr. Varun Rawat, Advs.

versus

VINOD KUMAR & ORS

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

09.04.2026

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1. This appeal has been filed by the Insurance Company assailing award passed by Motor Accidents Claims Tribunal [*'MACT'*], (South-01), Saket Courts in Claim No.72/2011 whereby compensation at Rs.4,25,000/- along with 9% interest from the date of filing the petition, awarded by the MACT by its award dated 27th August 2013.

2. The accident occurred on 13th March 2009 at about 6:15 pm, when respondent no.3/claimant was travelling on his scooter bearing no. DL-6S-V-6901 from his office to *Law Center-II, University of Delhi* to attend his 3rd year LLB Classes. When he reached *Ring Road, R.K. Puram, Sector-12*, he suffered a collision with a Mixer truck bearing registration no. HR-38H-8579, which hit his scooter from the back side.

3. The claim petition was filed against respondent no.1/driver-*Jugal Kishore* and respondent no.2/owner of the Mixer truck- *M/s ACC Limited*.



The Mixer truck was insured by appellant/Insurance Company.

4. Respondent no.3/claimant suffered injuries resulting in 40% permanent visual, as per the disability certificate certified by Dr. Rajendra Prasad Centre for Ophthalmic Sciences, AIIMS, Ansari Nagar, New Delhi. MACT awarded Rs.5,000/- on account of medical expenses; Rs.2,50,000/- on account of loss of amenities, considering that respondent no.3/claimant was working as Deputy Director under Air Head Quarters Ministry of Defence and even after retirement he would continue to get retirement benefit; Rs.50,000/- for loss on account of disfigurement; Rs.75,000/- towards non-pecuniary damages; Rs.20,000/- for conveyance charges and Rs.25,000/- for special diet.

5. This Court has gone through the assessment made by the MACT and is not persuaded by the plea take by the Insurance Company that the compensation amount be reduced, in any way. In fact, the MACT did not award loss of future income, considering that respondent no.3/claimant continued to be in government service.

6. Non-pecuniary compensation was awarded on account of physical pain and mental suffering, as also, for loss of disfigurement.

7. No other argument has been made on behalf of counsel for Insurance Company, which would convince this Court to reduce what is already a conservative amount.

8. Accordingly, the appeal is dismissed.

9. Statutory amount be refunded to appellant/Insurance Company.

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

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 9, 2026/MK/sp