



\$~10

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

CNR No. DLHC010069862022

+ **MAC.APP. 42/2022**

AKASH AGGARWAL

.....Appellant

Through: Mr. Anshuman Bal and Ms. Aastha
Chauhan, Advs.

versus

UNITED INDIA INSURANCE CO LTD & ORS. Respondent

Through: Mr. Pankaj Seth and Ms. Shruti Jain,
Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **19.08.2026**

1. This appeal has been filed seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal [***MACT***], Karkardooma Courts in MACP No. 279/2016 at *Rs.15,37,000/-* with 8 % interest by award dated 30th January 2021.
2. The accident occurred on 22nd September 2015 at about 5:30 pm, when appellant/injured claimant, along with his friend was travelling on a motorcycle when a crane bearing registration no. NL-02L-3853 (***'offending vehicle'***) coming from Ghazipur side at high speed hit the appellant/injured claimant's motorcycle causing him to fall and sustain grievous injuries. His permanent disability was certified at 36% in relation to the left lower limb.
3. *Mr. Anshuman Bal*, counsel for appellant/injured claimant, seeks



enhancement on two counts:

- (i) Income was assessed on the basis of minimum wages of a matriculate in Delhi, despite the fact that claimant was pursuing the Bachelors of Commerce (**'B.Com'**) degree.
- (ii) Functional disability was considered at 18%, which ought to have been higher.

4. *Mr. Pankaj Seth*, counsel for respondent no.1/Insurance Company, counters this by stating that minimum wages of a matriculate/intermediate at Rs.10,998/- were rightly considered, since he had not completed his graduation and therefore, minimum wages of a graduate which are stated to be Rs.12,142/- cannot be taken.

5. Further, he states that functional disability has been rightly assessed and there can be no amplification of the same.

6. As regards the issue of minimum wages, the testimony of appellant/injured claimant (**'PWI'**) is to be considered.

7. He stated that he had received injuries in the nature of, *"closed fracture shaft femur in the upper/middle third region communitted. Laceration over left popliteal fossa deep communicating with lower end of femur. Laceration over left ankle region with deep tendon exposed communicating with ankle joint and with fracture medial malleolus. Laceration of left popliteal artery; and left popliteal distal bypass, debridement of left leg wounds, fasciotomy of left leg and exterior fixator application left thigh."*

8. He further stated that he was still continuing treatment as an outdoor patient from Apollo Hospital, Delhi.

9. As regards his educational status, he stated that he was a student of B.Com and was studying at the Open School of Learning, University of Delhi.



Additionally, he was working as a milk supplier and earning Rs.20,000/- per month.

10. He stated that he could not continue his work, could not walk and sit for a long duration. He was also planning to pursue a career in sports, which had been impeded due to his disability.

11. In the cross-examination conducted by respondent no.1/Insurance Company, he stated that he used to get milk from distributors to supply to the customers by his bicycle and was under the employment of a distributor. He stated that he had not placed on record any proof of his employment with the distributor.

12. Further, he stated that he was pursuing B.Com (Pass) course and was in his final year. There is no other cross-examination by the Insurance Company on these aspects.

13. Appellant/injured claimant had also placed on record the certificate of merit participation in a Taekwondo Championship in 2012, having secured the Gold Medal, in the event organised under the auspices of Ministry of Youth Affairs and Sports, Government of India.

14. In view of the above and considering that appellant/injured claimant was in the final year of his B.Com degree, the Court is inclined to consider minimum wages of a graduate at the relevant time as the benchmark income for calculation of his future loss of income. This would be appropriate in the context that he would have soon thereafter received a B.Com degree. Accordingly, his income will be considered at Rs.12,142/-.

15. As regards functional disability, which was assessed at 18%, the impugned order notes in *paragraph 16* that since the treatment continued for 13 months, it can be safely inferred that appellant/injured claimant would not



have been able to continue his work of supplying milk and, therefore, granted him loss of income on that account.

16. MACT further noted that the medical assessment sheet showed that appellant/injured claimant could not sit cross-legged, squat properly, stand on his affected leg independently and could also not climb stairs without assistance. Further, the assessment showed that his ankle and foot movement and strength has reduced considerably.

17. Considering the same and the fact that he would have possibly continued his vocation as a milk supplier to earn additional income, this Court is inclined to consider his functional disability at 25%.

18. The other aspects on non-pecuniary damages have been appropriately awarded by the MACT and are retained.

19. Accordingly, the revised computation is as under:

Sr. No.	Heads	Awarded by the Tribunal	Awarded by this Court
PECUNIARY LOSS			
1.	Medical expenses (A)	Rs. 5,34,905/-	Rs. 5,34,905/-
2.	Expenditure on special diet/conveyance/attendant charges (B)	Rs. 1,10,000/-	Rs. 1,10,000/-
3.	Income of injured (C)	Rs. 10,998/-	Rs. 12,142/-
4.	Add: Future prospects (D)	Rs. 4,399.2/-	Rs. 4,857/-
5.	Multiplier (E)	18	18
6.	Functional disability (F)	18%	25%
7.	Loss of income (G)	Rs. 1,42,974/-	Rs. 1,57,846/-
8.	Loss of future income/future earnings [(C+D) x E x F] = (H)	Rs. 5,98,643/-	Rs. 9,17,946/-
NON-PECUNIARY LOSS			



9.	Pain and suffering (I)	Rs. 1,00,000/-	Rs. 1,00,000/-
10.	Loss of amenities (J)	Rs. 50,000/-	Rs. 50,000/-
11.	Total compensation (A + B + G + H + I + J) = K	Rs. 15,36,522/-	Rs. 18,70,697/-
12.	Interest awarded	8%	8%

20. For the aforesaid reasons, compensation has been enhanced by Rs. 3,34,175/-. (*'enhanced amount'*)

21. Enhancement compensation, along with accrued interest, will be deposited by respondent no.1/Insurance Company before the MACT within 4 weeks, which shall be released as lumpsum to the appellant/injured claimant within 2 weeks thereafter, subject to verification.

22. Appeal is disposed of in the above terms.

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

24. Copy of this judgment be sent to the concerned MACT.

25. Copy of this judgment be sent to the concerned bank for information and compliance.

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

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

ANISH DAYAL, J

AUGUST 19, 2026/MK/sp