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

CNR No. DLHC010101402019

+ **MAC.APP. 217/2019**

SURENDER

.....Appellant

Through: Mr. S.N. Parashar, Advocate with Mr.
Ritik Singh, Advocate.

versus

AFSARUM &ORS(NATIONAL INSURANCE CO LTD)

.....Respondent

Through: Mr. Shyam Singh Yadav, Adv for
respondent no.3.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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19.08.2026

1. This appeal has been filed by the claimant seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal Saket Courts, New Delhi (*'MACT/Tribunal'*) by order dated 04th July 2018, in Petition No. 75305/2016 at Rs. 6,71,100/- along with interest @ 9% per annum.

2. *Mr. S.N. Parashar*, counsel appearing for appellant seeks enhancement on the following counts:

- i. ***Firstly***, that the functional disability be enhanced from 40% to 66% at the very least, which was certified by the Disability Certificate as the injured was working as an auto mechanic;
- ii. ***Secondly***, that no *future prospects* were awarded and he is entitled to



future prospects at 40%;

- iii. **Thirdly**, the income should have been considered as a minimum wage of a skilled worker at Rs. 8,100/- instead of the minimum wage of an unskilled person, which has been taken by MACT;
- iv. **Fourthly**, the Tribunal did not award compensation for medical expenses.
- v. **Fifthly**, the amounts awarded for the non-pecuniary heads were depressed and inadequate.

3. *Mr. Shyam Singh Yadav*, counsel appearing for Insurance Company, states that the functional disability has been assessed by the MACT in accordance with the correct principles. He further submits that no compensation towards medical expenses ought to have been awarded, as no medical bills were produced.

4. Moreover, the amounts awarded under the non-pecuniary heads were adequate, as Rs.1,00,000/- was awarded each towards *pain and suffering* and *loss of amenities, each*, and an additional sum of Rs.38,000/- was awarded towards special diet and conveyance.

5. It is noted that disability certificate was not proved, and no evidence regarding the medical disability was led, except for the discharge card from Sonipat Hospital.

6. In fact, in evidence by way of affidavit filed on behalf of the claimant, the aspect of medical bills had been scored out.

7. In this regard, what needs to be seen is whether the assessment by the MACT was appropriate or not. This aspect has been taken into account in *paragraph no. 16* of the MACT Award.



8. Therein, it is noted that the claimant had suffered 66% permanent disability in relation to the right lower limb. He was aged 35 years on the date of the accident and claimed to be working as an auto mechanic, although no proof in this regard was filed.

9. The MACT, therefore, considered functional disability of 40%, taking into account principles enunciated in ***Raj Kumar v. Ajay Kumar*** (2011) 1 SCC 343 and noting that the claimant could have still done the work of an auto mechanic, but with some difficulty.

10. This Court is not inclined to interfere with the said assessment, which appears to be appropriate and well-reasoned.

11. As regards the assessment of the benchmark income, the minimum wages applicable to an unskilled person in Haryana were taken into consideration. This may not be appropriate, considering that the claimant had stated that he was working as a mechanic and that his avocation has also been taken into account by the MACT.

12. Accordingly, the minimum wages applicable to a skilled person in *Haryana* ought to be taken into account, which were Rs.380.76/- per day, amounting to a monthly income of **Rs. 11,422.80/-** per month, as on the date of the accident.

13. As per principles enunciated in ***National Insurance Co. Ltd. v. Pranay Sethi*** (2017) 16 SCC 680, future prospects at the rate of 40% ought to be granted, considering that the claimant was 35 years of age. A multiplier of 16 shall be applied.

14. The claim for compensation towards medical expenses was rightly rejected, there being no evidence in support thereof. As regards the non-pecuniary heads, the amounts awarded towards these heads have been



adequately granted.

15. The revised compensation is as under:

Sr. No.	Heads	Awarded by the Tribunal	Awarded by this Court
PECUNIARY LOSS			
1.	Expenditure on Medical Bills and medical treatment (A)	NIL	NIL
2.	Expenditure on conveyance, special diet and attendant (B)	Rs. 38,000/-	Rs. 38,000/-
5.	Income of injured per month(E)	Rs. 5,639/-	Rs. 11,422.80/-
7.	Add: Future prospects (F)	NIL	40% of Rs. 11,422.80/-= Rs. 15,990.80/-
8.	Multiplier (G)	16	16
9.	Functional disability (H)	40%	40%
10.	Loss of future income/future earnings [(E+F) x 12 x G x H] = (I)	Rs. 4,33,075/- (rounded to Rs. 4,33,100/-)	Rs. 12,28,093.44/- (rounded to Rs. 12,28,100/-)
NON-PECUNIARY LOSS			
11.	Pain and suffering (J)	Rs. 1,00,000/-	Rs. 1,00,000/-
12.	Loss of amenities of life (K)	Rs. 1,00,000/-	Rs. 1,00,000/-
13.	Total compensation (A + B + + I+ J+ K) = (M)	Rs. 6,71,100/-	Rs. 14,66,100/-
14.	Interest awarded	9% per annum	9% per annum
15.	Enhanced compensation	Rs. 7,95,000/-	

16. Accordingly, the compensation is enhanced by Rs. 7,95,000/-.

17. The enhanced compensation, along with accrued interest thereon, be deposited by the Insurance Company within the next 6 weeks, and it will be released in favour of the appellant. Upon such deposit, the amount be released to claimants within 2 weeks thereafter.

18. Accordingly, the appeal is disposed of. Pending applications, if any, are rendered infructuous.



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

ANISH DAYAL, J

AUGUST 19, 2026/RK/bp