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

% *Date of decision: 04th August 2026*

(10)

CNR No. DLHC010453642019

+ **MAC.APP. 890/2019 & CM APPL. 50056/2019 CM APPL. 58915/2025**

UNITED INDIA INSURANCE CO LTD

.....Appellant

Through: Mr. Ravi Sabharwal, Ms. Prachi
Kushwaha, Mr. Vivan Garg,
Advocates.

versus

RAHUL KUMAR JAIN & ORS

.....Respondent

Through: Mr. Jatinder Kamra & Mr. B.P.
Saxena, Advs.
Mr. Rohtash (ATI), Dr. Sher Singh.

(50)

CNR No. DLHC010350642026

+ **MAC.APP. 495/2026**

RAHUL KUMAR JAIN

.....Appellant

Through: Mr. Jatinder Kamra & Mr. B.P.
Saxena, Advs.

versus

UNITED INDIA INSURANCE CO. LTD. AND ORS

.....Respondent

Through: Mr. Ravi Sabharwal, Ms. Prachi
Kushwaha, Mr. Vivan Garg,
Advocates.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. These cross-appeals have been filed in respect of an award dated 19th



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August 2019 passed by the Motor Accident Claims Tribunal, Patiala House Courts (*'MACT/Tribunal'*), in DAR No.523/2014, awarding compensation of Rs. 7,06,614/- along with interest at 9% per annum.

2. The accident in question occurred on 3rd August 2014, in which the claimant/injured, *Rahul Kumar Jain*, sustained injuries.

3. The **MAC.APP. 495/2026** has been filed on behalf of the claimant/injured seeking enhancement of compensation, whereas the **MAC.APP. 890/2019** has been filed on behalf of the insurance company. *Mr. Jatinder Kamra* represents the injured-appellant while *Mr. Ravi Sabharwal* represents the insurance company.

4. *Mr. Ravi Sabharwal*, counsel for insurance company, raises the following contentions:

i. The MACT considered the notional income of the deceased at Rs. 15,000/- per month without any proof of income. The notional income ought to have been assessed on the basis of minimum wages of a skilled worker.

ii. Interest awarded at 9% is on the higher side.

5. On the other hand, counsel appearing for the claimant/injured challenges the impugned award on the following grounds:

i. Functional disability of the claimant at 13%, despite the disability certificate recording 26% permanent disability in relation to the right lower limb.

ii. On the issue of income, it is contended that the claimant was engaged in the business of procuring and supplying mobile phones, mobile accessories and facilitating related services.

iii. Compensation awarded under the non-pecuniary, i.e. pain and



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suffering, loss of amenities of life, and compensation for mental and physical shock is inadequate considering the injuries sustained by the claimant have resulted in permanent disability.

Analysis

Notional Income

6. On the issue of income, no doubt, there is no proof that the claimant was earning Rs. 15,000/- to Rs. 20,000/- per month. However, the benefit of the claimant's testimony that he was a skilled mechanic engaged in mobile sales and repairs cannot be ignored. The additional certificate exhibited as **Ex. PW2/5**, i.e., the certificate of completion issued by Airtel stating that the injured had scored “97% in Steps to Super Sales” issued on 18th May 2008, lends support to his claim. It would be fair to estimate that the claimant was certainly carrying out the profession of mobile sales, accessories and facilitation services.

7. On the date of the accident, the minimum wages of a skilled worker in Delhi were Rs. 10,374/- per month.

8. Considering the testimony of the injured and the evidence placed on record, this Court makes a reasonable estimate and assesses the notional income of the injured at Rs. 12,000/- per month.

Functional disability

9. As regards the functional disability, *Mr. Jatinder Kamra* has pointed to the disability certificate, which certifies 26% permanent disability in relation to the right lower limb, whereas *Mr. Ravi Sabharwal* submits that the injury is a soft tissue injury. The discharge summary of *Jai Prakash Narayan Apex*



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Trauma Centre, where the injured was initially taken, shows that he was discharged on the same day, noting the diagnosis as a soft tissue injury.

10. However, he was subsequently admitted to Safdarjung Hospital from 13th August 2014 to 23rd August 2014, where he underwent surgery. He was also advised to undergo plastic surgery upon consultation with the surgeon.

11. The testimony of **PW1**, *Dr. Vineet Kumar Arora*, Specialist Orthopaedic, is also relevant. He stated that the injured would face difficulty in squatting, running fast, etc., however, he would still be capable of performing a desk job.

12. In these circumstances, and considering the vocation of the injured, as well as the principles enunciated in *Raj Kumar v. Ajay Kumar* (2011) 1 SCC 343, the functional disability ought to be assessed at a higher level. Accordingly, functional disability is assessed at **20%**.

Rate of interest

13. As regards the rate of interest, the Tribunal has rightly awarded interest at 9% per annum. No ground has been made out warranting interference with the said rate of interest.

14. Accordingly, revised compensation is as under:

Sl. No.	Heads	Awarded by the Tribunal	Awarded by this Court
PECUNIARY LOSS			
1.	Expenditure on Medical Bills and medical treatment (A)	Rs.9,694/-	Rs.9,694/-
2.	Expenditure on conveyance and special diet (B)	Rs. 10,000/-	Rs. 10,000/-
3.	Expenditure on special diet (C)	Rs. 10,000/-	Rs. 10,000/-
4.	Attendant charges (D)	Rs. 20,000/-	Rs. 20,000/-
5.	Income of injured per month(E)	Rs. 15,000/-	Rs. 12,000/-
6.	Loss of Income [4 months] (L)	Rs. 60,000/-	Rs. 48,000/-



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7.	Add: Future prospects (F)	40%	40% of Rs. 12,000/- = Rs. 4,800/-
8.	Multiplier (G)	17	17
9.	Functional disability (H)	13	20
10	Loss of future income/future earnings [(E+F) x 12 x G x H] = (I)	Rs.5,56,920/-	Rs. 6,85,440/-
11	Pain and suffering (J)	Rs. 15,000/-	Rs. 25,000/-
12	Compensation for mental and physical shock (K)	Rs. 15,000/-	Rs. 25,000/-
13	Loss of amenities of life (M)	Rs. 10,000/-	Rs. 25,000/-
14	Total compensation (A + B + C + D + I+ J+ K + L + M) = N	Rs.7,06,614/-	Rs. 8,58,134/-
15	Interest awarded	9% per annum	9% per annum
16	Enhanced Compensation	Rs. 1,51,520/-	

15. Accordingly, the compensation is enhanced by Rs. 1,51,520/-.

16. Enhanced compensation be deposited by the Insurance Company with the MACT within 8 weeks.

17. Upon such deposit, the enhanced compensation be released to the claimants within 2 weeks thereafter in a lump sum, considering that the present appeal pertains to an accident that occurred in 2014.

18. By order dated 20th November 2019, the amount was directed to be deposited. The originally awarded compensation shall continue to be disbursed as per the scheme of disbursement in the MACT award.

19. Statutory deposit, if any, shall be refunded to appellant/Insurance Company only upon deposit of the enhanced amount along with the accrued interest.

20. Accordingly, the appeal is disposed of in the above terms. Pending applications, if any, are rendered infructuous.



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

(ANISH DAYAL)
JUDGE

AUGUST 04, 2026/vs/bp