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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 21st August 2026***# **CNR No. DLHC010663152025**+ **MAC.APP. 581/2025****SANJAY MAHTO**

.....Appellant

Through: **Mr. Harsh Pant, Adv.**

versus

NANHEY LAL & ORS.

.....Respondents

Through: **Mr. Brijesh Bagga, Adv.****CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J (ORAL)**

1. This appeal has been filed seeking enhancement of compensation awarded to the injured/claimant by the Motor Accidents Claims Tribunal, Dwarka Courts, New Delhi (*'MACT/Tribunal'*) in MACT 697/2016, by award dated 21st April 2025.

2. Compensation of Rs. 11,45,600/-, along with interest at the rate of 7.5% per annum, was awarded by the impugned award in respect of the injuries suffered by the appellant/claimant in an accident which occurred on 16th October 2010.

3. The appellant was a labourer working at *J.K. Spun Pipes, Darbaripur Road, near Haldiram, Gurgaon*. While returning after unloading tiles at Dwarka, New Delhi, he was travelling in a truck bearing registration No. *HR-55A-4274*, which collided with a stationary tractor-trolley. The truck was being driven in a rash and negligent manner. Not only the appellant but also



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other occupants, including his brother, suffered grievous injuries. The claim petition was filed and was defended by the Insurance Company of the tractor-trolley.

4. *Mr. Harsh Pant*, counsel, appears for the claimant, while *Mr. Brijesh Bagga*, counsel, appears for the Insurance Company.

5. *Mr. Harsh Pant*, counsel for the claimant, seeks enhancement on the following counts:

- i. Notional income was assessed on the basis of minimum wages of an unskilled worker at Rs. 6,084/- per month, despite the appellant's stated income of Rs. 10,000/- per month.
- ii. Functional disability was assessed at only 25%, despite 60% permanent physical disability and amputation/disarticulation of the left thigh, substantially affecting the appellant's vocation as a labourer.
- iii. Inadequate compensation was awarded towards medical expenses, despite medical bills and evidence of treatment having been placed on record.
- iv. Inadequate amounts were granted towards non-pecuniary heads.
- v. Compensation awarded towards the prosthetic limb was inadequate.

Analysis

6. *Firstly*, it is contended that the Tribunal took the minimum wages of an unskilled worker, i.e., Rs. 6,084/- applicable in *Delhi*, as the notional income, although the appellant had stated on affidavit that he was earning Rs. 10,000/- per month while working as a labourer. Since no payslip or other documentary evidence was filed, the minimum wages applicable to an unskilled worker were taken into consideration. On this account, counsel for



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the appellant has not been able to produce any further evidence regarding his stated income of Rs. 10,000/- per month. No witness from the employer was produced either. Accordingly, the minimum wages applicable to an unskilled worker shall be sustained.

7. On the issue of functional disability, it is contended that the functional disability was assessed at 25%, despite the appellant having suffered permanent physical disability of 60%. It is noted that the claimant suffered amputation of the left thigh and fracture of both bones of the left leg during the course of treatment.

8. The Supreme Court in *M. Paramesh v. VRL Logistics Ltd.* 2026 INSC 655, which was a case of injury to a *mason* recorded that the vocation of the injured would be completely affected and, accordingly, the functional disability was assessed at 100%.

9. *Mr. Brijesh Bagga*, counsel for Insurance Company, has argued that, with the prosthetic limb, the functional disability ought to be assessed at a much lower percentage. However, in the opinion of this Court, and taking into account the decision of the Supreme Court, even with a prosthetic limb, it would be quite impossible for the appellant to continue working as a labourer, although he may be equipped to undertake other forms of work which do not require substantial physical mobility.

10. Accordingly, considering the fact that a prosthetic limb has also been provided to the appellant and considering that the claimant-injured was working as a labourer, his functional disability is assessed at 75%.

11. **Thirdly**, it was stated in the affidavit exhibited as *Ex. PW1/A*, that an amount of Rs. 3,16,269/- had been spent on treatment, relying upon the medical bills exhibited as *Ex. PW1/3*. However, the MACT awarded only Rs.



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7,621/- against the bills of *Sunrise Hospital, Gurgaon*, on the ground that the pharmacy bills and other bills were issued in the names of the other injured persons, namely, *Naresh Mahto and Ramesh*.

12. Counsel for the appellant points out that, since the appellant was injured, the expenses at that time were borne by his brother and brother-in-law, who were attending to him and attempting to obtain proper treatment for him. Accordingly, the bills were issued in the names of *Naresh Mahto and Ramesh*, and there was no reason for the medical expense bills to have been issued in their names otherwise. In fact, some receipts available before this Court show that the money receipts were issued in the name of *Ramesh Mahto* for scans of the brain, pelvis, knee and femur. This receipt was issued on 08th July 2016. Accordingly, it may not be appropriate to consider all the bills claimed as medical expenses.

13. Counsel for the appellant states that the Court may, in its discretion, grant some estimated amount towards the expenses that may have been incurred for such treatment.

14. For this purpose, the Court has examined the affidavit and evidence filed by the appellant. In his examination by way of affidavit, he has stated that he was admitted to *Sunrise Hospital, Gurgaon*, on 16th October 2010 and was thereafter referred to *Safdarjung Hospital, Delhi*, for further treatment and was treated from 16th October 2010 to 22nd November 2010.

15. In the opinion of this Court, during the time he was being treated, medical expenses would have been incurred towards consumables, medicines and other incidental expenses, possibly continuously over a period of time. Accordingly, an estimated amount of **Rs. 1,00,000/-** is granted towards medical expenses.



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16. Further, an amount of Rs. 5,000/- was awarded to the injured towards conveyance. The Court finds this amount to be highly inadequate, considering that the appellant suffered amputation and disarticulation of the left thigh and fractures of both bones of the left leg. Accordingly, compensation awarded towards expenditure on conveyance is enhanced to **Rs. 50,000/-**.

17. The amount awarded towards special diet at Rs. 20,000/- is retained.

18. Attendant charges were awarded for three months at the rate of Rs. 5,000/- per month. In the absence of any other evidence regarding attendant charges, the same shall be retained.

19. Towards pain and suffering, an amount of Rs. 50,000/- was awarded, which this Court finds to be highly inadequate. The same is accordingly enhanced to **Rs. 1,50,000/-**, considering the nature of injuries suffered by the injured.

20. Towards loss of amenities and enjoyment of life, an amount of Rs. 20,000/- was awarded, which, in the opinion of this Court, is also inadequate considering the standards otherwise applied in cases involving amputation and serious disability. The same is accordingly enhanced to **Rs. 1,50,000/-**. The amount of Rs. 50,000/- awarded towards disfigurement is retained.

21. Towards the provision of a prosthetic limb, the MACT has granted a sum of Rs. 3,99,772/-, as mentioned in the quotation provided by Ideal Artificial Limbs Solution, along with Rs. 50,000/- towards repair and maintenance of the prosthetic limb.

22. As per the decisions of the Supreme Court in *Mohd Sabeer Alias Shabir Hussain v Regional Manager, UP State Road Transport Corporation* 2022 SCC OnLine SC 1701, the average life expectancy has been considered to be 70 years, and replacement of a prosthetic limb has been



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contemplated every 5-7 years. Accordingly, since the appellant was 25 years of age on the date of the accident and the life of one prosthetic limb is to be considered as five years, he would require **8** further replacements.

23. In this regard, the Court also takes into account the recent decision of the Supreme Court in *Prahalad Sahay v. Haryana Roadways* 2026:INSC:396, wherein, after considering the decision in *Mohammad Sabir* (*supra*) and other judgments, the Supreme Court awarded maintenance expenses of Rs.15,000/- per annum for a block of 5 years, i.e. Rs.75,000/-.

24. Accordingly, an amount of Rs. **4,00,000/-** is awarded towards each replacement, along with an amount of **Rs. 75,000/-** towards maintenance for a block of 5 years, as awarded by the Supreme Court. Accordingly, a total compensation of **Rs. 35,75,000/-** [(Rs. 4,00,000/- x 8) + (Rs. 75,000 x 5)] is awarded on account of future treatment/cost of artificial limb and maintenance of Prosthetic Leg.

25. The amount awarded towards the prosthetic limbs shall be deposited separately and shall be released to the claimant only upon production and verification of an authentic bill issued by a reputed vendor.

26. Accordingly, the revised computation 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)	Rs.7,621/-	Rs. 1,00,000/-
2.	Expenditure on conveyance (B)	Rs.5,000/-	Rs. 50,000/-
3	Expenditure on special diet (C)	Rs.20,000/-	Rs.20,000/-
4.	Attendant charges (D) (Rs.5,000 x 3 months)	Rs.15,000/-	Rs.15,000/-
5.	Income of injured per	Rs.6,084	Rs.6,084



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	month(E)		
6	Loss of income (L) (Rs.6,084 x 3 months)	Rs.18,252/-	Rs.18,252/-
7.	Add: Future prospects (F)	40%	40%
8.	Multiplier (G)	18	18
9.	Functional disability (H)	25%	75%
10.	Loss of future income/future earnings [(E+F) x 12 x G x H] = (I)	Rs.4,59,950.40/-	Rs. 13,79,851.20/-
NON-PECUNIARY LOSS			
11.	Pain and suffering (J)	Rs.50,000/-	Rs. 1,50,000/-
12.	Loss of amenities of life (K)	Rs. 20,000/-	Rs. 1,50,000/-
13.	Compensation for mental and physical shock (M)	Rs.50,000/-	Rs.50,000/-
14.	Disfiguration	Rs.50,000/-	Rs.50,000/-
15.	Compensation on account of future treatment/cost of artificial limb and Maintenance of Prosthetic Leg	Rs.4,49,772/-	Separately awarded
16.	Total compensation (A + B + C + D + H + I+ J+ K+L+M) = (N)	Rs.11,45,600/-	Rs. 19,83,103.20/- (rounded to Rs. 19,83,100)
17.	Interest awarded	7.5% per annum	7.5% per annum
18.	Enhanced compensation	Rs. 8,37,500/-	
19.	Compensation on account of future treatment/cost of artificial limb and Maintenance of Prosthetic Leg	noted in Sr. no. 15	Rs. 35,75,000/-

* The amount has been calculated including the compensation awarded towards the artificial limb.

Conclusion

27. Accordingly, the compensation is enhanced to Rs. 8,37,500/-.

28. Enhanced amount, along with interest at 7.5% per annum from the date of filing the petition, shall be deposited before MACT within a period of four weeks.



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29. It is directed that upon such deposit, a lump sum amount of Rs. 2,00,000/- shall be released to the claimant from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts (*FDRs*) of Rs. 20,000/- each for periods of 1 month, 2 months, 3 months and so on, in succession as maybe calculated. Interest accruing on said *FDRs* shall be credited to the designated Savings Bank Account of claimant. The amount of *FDRs* on maturity would be released to the Savings Bank Account of claimant upon due verification.

30. The originally awarded compensation shall continue to be disbursed as per the scheme in the impugned award

31. Amounts towards prosthetic limbs, calculated at Rs. 35,75,000/-, shall be deposited by appellant/Insurance Company before the MACT within a period of *six weeks* as a separate amount, not garnering interest for the period which has passed since the date of the accident. The amount, shall, however, be kept in an interest-bearing Fixed Deposit Receipt (*'FDR'*).

32. Amounts towards prosthetic limbs shall be released only upon production of a verified original invoice and proof of payment from authorised and reputed vendor.

33. Accordingly, the appeals stand disposed of with above directions.

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

35. Copy of this judgement be sent to concerned MACT. Copy of this judgement shall also be sent to concerned bank.

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

(ANISH DAYAL)
JUDGE

AUGUST 21, 2026/vs/bp

Signature Not Verified

Digitally Signed By: RAHUL
KUMAR CHODHARY
Signing Date: 31.08.2026
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