



2026:DHC:6286



\$~2 & 3

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: 04<sup>th</sup> August 2026*

(2)

# CNR No. DLHC011599542013

+ MAC.APP. 968/2013 & CM APPL. 6562/2014

REHAN

.....Appellant

Through: Mr. Navneet Goyal, Adv.

versus

MAMLESHWAR KUMAR JHA & ORS

.....Respondents

Through: Mr. Pankaj Seth and Ms. Shruti Jain,  
Adv. for R-3.

(3)

# CNR No. DLHC011599562013

+ MAC.APP. 970/2013

MOHD. KALIM

.....Appellant

Through: Mr. Navneet Goyal, Adv.

versus

MAMLESHWAR KUMAR JHA & ORS

.....Respondents

Through: Mr. Pankaj Seth and Ms. Shruti Jain,  
Adv. for R-3.

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**JUDGMENT**

**ANISH DAYAL, J (ORAL)**

**MAC.APP. 968/2013**

1. This appeal has been filed seeking enhancement of compensation



2026:DHC:6286



awarded by the Motor Accident Claims Tribunal, New Delhi [*MACT/Tribunal*], vide award dated 04<sup>th</sup> April 2013, in *Suit No. 239/2010*, whereby compensation of Rs.6,87,164/- along with interest at the rate of 9% per annum, was awarded.

2. *Mr. Navneet Goyal*, counsel for appellant/injured, namely, *Rehan*, seeks the enhancement of compensation on three counts:

- (i) That the functional disability has been incorrectly assessed at 35%, despite the permanent disability being certified at 70% with respect to a *below knee amputation of right leg, restriction of movement in the right hip and the knee, and damage to genitourinary system*.
- (ii) That income of appellant/injured has been taken in terms of the minimum wages of an unskilled worker at Rs.5,278/- per month, which ought to have been taken in terms of the minimum wage of a skilled worker, at Rs.6,448/- per month, considering that he was working as a barber.
- (iii) That inadequate compensation has been awarded under non-pecuniary heads.

3. As regards the issue of functional disability, the disability certificate states, “*He (Rehan) is a 21 years male, a case of below knee amputation right lower limb with operated fracture shaft femur right and fracture neck femur right. There is a restriction of 50% movements of right hip and 90% restriction of knee movement right side. His total permanent total disability, including genitourinary system is 70% (Seventy percentage).*”

4. The MACT, on the aforesaid basis, assessed the functional disability of appellant/injured at *one-half* of the permanent disability, that is at ‘35%’.



2026:DHC:6286



5. The appellant/injured was 20 years old at the time of the accident. Considering the submission of *Mr. Navneet Goyal*, counsel for appellant/injured, that the disability certificate itself certifies '**70% permanent disability with respect to the whole body**', since appellant/injured had suffered multiple disabilities, including, *below knee amputation of the right lower limb, fracture shaft femur, fracture neck femur, restriction of 50% movement in the right hip, 90% restriction of knee movement on the right side and genitourinary system*, there is no reason as to why the MACT considered the functional disability at *one-half* of the certified permanent disability.

6. Further, even though the MACT held and observed that appellant/injured failed to prove his vocation as a barber in a saloon, this Court cannot lose sight of the fact that he had testified that he was working as a barber with *Art of Hair, West Punjabi Bagh, New Delhi*. Moreover, his colleague, who had been also injured in the same accident, also stated that he was working as a barber in the said saloon.

7. Therefore, in this light, appellant/injured would have a significant impediment in earning his livelihood, and his mobility would be severely affected.

8. Accordingly, the functional disability shall be assessed as 70%.

9. As regards the plea of minimum wages of an unskilled worker being applied, the cross-examination of appellant/injured is of some importance; when asked the name of his employer and about the details of his employment, he stated that he did not know, and could not provide any proof other than a letter, which was signed by somebody on the letterhead of *Art of Hair* salon. He further stated he did not remember the name of the employer. He could neither tell when the salary certificate had been obtained, nor



2026:DHC:6286



identify the signatures on the salary certificate.

10. In view of aforesaid, income of appellant/injured assessed in terms of minimum wages of an unskilled worker awarded at Rs.5,278/- per month, shall be sustained.

11. As regards the addition towards *future prospects*, the same has been granted at 30%, which shall be awarded at 40%.

12. As regards the Compensation awarded under non-pecuniary heads, considering the serious nature of the disabilities sustained by appellant/injured, compensation towards *pain and suffering* shall be enhanced to Rs.1,50,000/-.

13. Compensation awarded towards *conveyance and special diet* shall be enhanced to Rs.40,000/-, and towards *attendant charges* to Rs.50,000/-, having regard to the fact that appellant/injured was under treatment for a period of about *14 months*.

14. Accordingly, the compensation shall be revised as under:

| S. no | Heads of Compensation                          | Awarded by Tribunal   | Awarded by the Court  |
|-------|------------------------------------------------|-----------------------|-----------------------|
|       | <b>Pecuniary Loss</b>                          |                       |                       |
| 1.    | Compensation towards medical bills (A)         | Rs. 98,246/-          | Rs. 98,246/-          |
| 2.    | Expenditure on conveyance and special diet (B) | Rs. 10,000/-          | <b>Rs. 40,000/-</b>   |
| 3.    | Future medical expenses (C)                    | Rs. 20,000/-          | Rs. 20,000/-          |
| 4.    | Attendant charges (D)                          | NIL                   | <b>Rs. 50,000/-</b>   |
| 5.    | Income of injured per month (E)                | Rs. 5,278/-           | Rs. 5,278/-           |
| 6.    | Future Prospects (F)                           | Rs. 6,861/-<br>[@30%] | Rs. 7,390/-<br>[@40%] |



2026:DHC:6286



|            |                                                      |                       |                       |
|------------|------------------------------------------------------|-----------------------|-----------------------|
| 7.         | Functional disability (G)                            | 35%                   | <b>70%</b>            |
| 8.         | Multiplier (H)                                       | 18                    | 18                    |
| 9.         | Loss of future earning capacity (I) [F X 12 X G X H] | Rs. 5,18,918/-        | Rs. 11,17,368/-       |
|            | <b>Non-pecuniary loss</b>                            |                       |                       |
| 10.        | Pain and suffering (J)                               | Rs. 30,000/-          | <b>Rs. 1,50,000/-</b> |
| 11.        | Loss of amenities (K)                                | Rs. 10,000/-          | Rs. 10,000/-          |
| 12.        | Total [A + B + C+ D + I + J+ K]                      | Rs. 6,87,164/-        | Rs. 14,85,614/-       |
| <b>13.</b> | <b>Enhanced compensation</b>                         | <b>Rs. 7,98,450/-</b> |                       |
| 14.        | Interest                                             | 9%                    | 9%                    |

### Directions

15. For the aforesaid reasons, compensation stands enhanced by **Rs. 7,98,450/-** [*“enhanced amount”*].

16. Enhanced amount along with 9% interest per annum from the date of filing the petition, shall be deposited before MACT within a period of *four weeks*. It is directed that a lump sum amount of Rs. 3,00,000/- shall be released in favour of the appellant/injured from the deposit of enhanced amount, thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts (**FDRs**) of Rs. 40,000/- 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 appellant/injured. The amount of FDRs on maturity would be released to the Savings Bank Account of appellant/injured upon due verification.

17. The originally awarded amount along with accrued interest, if not already released, shall be released in favour of appellant/injured as a lump sum, considering that the accident occurred way back in 20010.



2026:DHC:6286



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

**MAC.APP. 970/2013**

1. This appeal has been filed seeking enhancement of compensation awarded to appellant/injured, namely, *Md. Kalim*, who sustained injuries in the same accident which occurred on 12<sup>th</sup> April 2010.
2. The appellant/injured herein, sustained multiple injuries, including, *fracture shaft femur right with fracture medial malleolus right, fracture chip of head of phalanx great toe right, fracture proximal phalanx with fracture olecranon right elbow and hand.*
3. As per the disability certificate, permanent disability was certified at 10%, in relation to the *right lower limb and upper limb*. The Tribunal, however, disregarded the aforesaid, and failed to assess any functional disability. The Tribunal, therefore, awarded a lump sum amount of *Rs.1,00,000/-* towards compensation.
4. *Mr. Navneet Goyal*, counsel for appellant/injured, has challenged the aforesaid, considering the nature of procedures to which he had been subjected post the accident and the disability certificate.
5. In the opinion of the Court, the functional disability ought to have been assessed at 10%, considering that the disability involved the *right upper and lower limb* and would, therefore, have been a severe impediment to appellant/injured in his continuing his work.
6. The minimum wages of an unskilled worker at *Rs.5,278/-* per month, shall be taken for computing the income of appellant/injured in the present case as well, for the same reasons as in case of *Rehan* [*appellant/injured in MAC.APP. 968/2013*].



2026:DHC:6286



7. Furthermore, the Compensation awarded towards *pain and suffering* shall be enhanced to *Rs.1,00,000/-*; *conveyance and special diet* to *Rs.40,000/-*; *attendant charges* to *Rs.25,000/-*. Addition towards *future prospects* shall be made at 40%.

8. Since appellant/injured was *16 years of age* at the time of the accident, the multiplier of '18' shall be applied.

9. Accordingly, the compensation will be revised as under:

| S. no      | Heads of Compensation                               | Awarded by Tribunal   | Awarded by the Court           |
|------------|-----------------------------------------------------|-----------------------|--------------------------------|
|            | <b>Pecuniary Loss</b>                               |                       |                                |
| 1.         | Compensation towards medical bills (A)              | Rs. 27,958/-          | Rs. 27,958/-                   |
| 2.         | Expenditure on conveyance and special diet (B)      | Rs. 10,000/-          | <b>Rs. 40,000/-</b>            |
| 3.         | Attendant charges (C)                               | NIL                   | <b>Rs. 25,000/-</b>            |
| 4.         | Income of injured per month (D)                     | Not considered        | Rs. 5,278/-                    |
| 5.         | Loss of income on account of disability (E)         | Rs.1,00,000/-         | NIL                            |
| 6.         | Future Prospects (F)                                | Not considered        | Rs. 7,390/-<br>[ <b>@40%</b> ] |
| 7.         | Functional disability (G)                           | Not considered        | <b>10%</b>                     |
| 8.         | Multiplier (H)                                      | Not considered        | 18                             |
| 9.         | Loss of future earning capacity (I) [F X 12 XG X H] | NIL                   | Rs. 1,59,624/-                 |
|            | <b>Non-pecuniary loss</b>                           |                       |                                |
| 10.        | Pain and suffering (J)                              | Rs. 25,000/-          | <b>Rs. 1,00,000/-</b>          |
| 11.        | Loss of amenities (K)                               | Rs. 10,000/-          | Rs. 10,000/-                   |
| 12.        | Total [A + B + C+ E + I + J+ K ]                    | Rs. 1,72,958/-        | Rs. 3,62,582/-                 |
| <b>13.</b> | <b>Enhanced</b>                                     | <b>Rs. 1,89,624/-</b> |                                |



2026:DHC:6286



|     | compensation |    |    |
|-----|--------------|----|----|
| 14. | Interest     | 9% | 9% |

**Directions**

10. For the aforesaid reasons, compensation stands enhanced by **Rs. 1,89,624/-** [*“enhanced amount”*].
11. Enhanced compensation along with 9% interest per annum from the date of filing the petition shall be deposited before MACT within a period of *four weeks*. It is directed that the said amount shall be released in favour of appellant/injured, as a lump sum thereafter.
12. The originally awarded amount, along with accrued interest, if not already released, shall be released in favour of appellant/injured as a lump sum amount considering that the accident occurred way back in 2010.
13. Accordingly, the appeal is disposed of.
14. Pending applications, if any, are rendered infructuous.
15. Judgment be uploaded on the website of this Court.

**(ANISH DAYAL)**  
**JUDGE**

**AUGUST 04, 2026/mk/ya**