



2026:DHC:8423



\$~1 & 2

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: 28th September 2026*

CNR No. DLHC014557912017

+ MAC.APP. 894/2017 & CM APPL. 36697/2017

UNITED INIDA INSUARCE COMPANY LTD Appellant

Through: Mr. Amit Kumar Singh, Ms.
Rokosieno Meyase, Advocates.

versus

MAMRAJ & ORS

....Respondents

Through: Mr. Varun Sarin, Ms. Parul Dutta,
Advocates for Respondent No.1.

(2)

CNR No. DLHC012383062018

+ MAC.APP. 762/2018, CM APPL. 28412/2024 & CM APPL.
30641/2024.

MAMRAJ ...Appellant

Through: Mr. Varun Sarin, Ms. Parul Dutta,
Advocates.

versus

M/S UNITED INDIA INSURANCE CO LTD

....Respondent

Through: Mr. Amit Kumar Singh, Ms.
Rokosieno Meyase, Advocates.**CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL**



2026:DHC:8423



JUDGMENT

ANISH DAYAL, J (ORAL)

1. These cross-appeals have been filed assailing the impugned Award dated 18th July 2017 passed by the Motor Accident Claims Tribunal, Patiala House Courts, New Delhi ('*MACT/Tribunal*') in MACP No.94/2015 which awarded compensation of Rs.19,39,348/- along with interest at 9% per annum.
2. While *MAC.APP. 894/2017* has been filed by the Insurance Company, seeking a reduction in compensation, *MAC.APP. 762/2018* has been filed by the claimant seeking enhancement of compensation.
3. The accident occurred on 30th December 2014, when the claimant had parked his truck bearing registration No.HR-63B-1552 on the extreme left side of the road with all emergency lights on and was in the process of changing the tyre of his truck. A truck bearing registration No.HR-38T-4638, driven by respondent no. 1, hit the vehicle of claimant from the rear. As a result, the jack of the truck (No.HR-63B-1552) collapsed, and the whole weight of the vehicle came on both his legs, resulting in grievous injuries.
4. As per the Disability Certificate dated 03rd March 2016, the claimant was certified to have suffered permanent physical impairment to the extent of 40% in relation to both lower limbs. The claimant sustained injuries medically specified as '*Genu Valgum of the right knee, Rocker Bottom deformity of the right foot, and deformity of the left foot*'.
5. Thereafter, by an order of this Court dated 25th March 2022, this Court directed Safdarjung Hospital and VMMC to constitute a Medical



2026:DHC:8423



Board to examine the claimant's disability. As per the Medical Board's Report dated 05th September 2023, it was certified that injured-claimant had suffered permanent physical impairment of 30% in relation to right lower limb, the nature of injury being the same.

6. In respect of the second report, **AW1** (*Dr. Ashish Rustagi*, MS (Ortho), DNB (Ortho) MNAMS, Associate Professor, Department of Orthopaedics, VMMC & Safdarjung Hospital, New Delhi) was examined on 29th July 2024. He stated that the disability was permanent, but the amount/percentage may vary in the future.

7. During his cross-examination, a suggestion was put to him as to whether injured-claimant could run, climb stairs up and down, or perform long standing duties. To which he mentioned that, in all probability, there will be difficulty in running, performing long standing duties and climbing on stairs. With regard to assessment of disability at 30%, he said there would be some restrictions in performing his day-to-day activities, and it is difficult to comment upon his ability to drive.

8. *Mr. Varun Sarin*, counsel for the claimant, pointed out to the testimony recorded before the MACT of the representative of the Medical Board of *Dr. R.M.L. Hospital*, **PW2**, which had given the first disability certificate. He stated that the claimant cannot drive the truck due to the injuries suffered in the accident.

9. Taking into consideration these circumstances, the MACT assessed the functional disability at 50%, keeping into account that the claimant was working as a driver of a commercial truck and would have lost his vocation in that regard.



2026:DHC:8423



10. *Mr. Amit Kumar Singh*, counsel for the Insurance Company, challenges the same on the ground that claimant's license was renewed on 19th December 2016, showing that he was in a condition to drive the truck. It was further stated that he filed an application to cancel his license on 16th July 2018, after this ground had been raised in the appeal.

11. This Court has taken a view on a similar issue in ***Manish Madan v. Prem Pal Singh & Ors.*** MAC. APP. 1086/2016, wherein it was held that merely holding a driving licence after suffering a disability cannot, by itself, lead to the conclusion that the claimant was capable of driving a vehicle.

12. Though the circumstances in ***Manish Madan (supra)*** were different, this Court reiterates the view that renewal of a driving license may occur as a matter of routine and does not necessarily indicate that the claimant is physically capable of driving. With a permanent disability of 30% or 40%, it would be well-nigh impossible for a person to be entrusted with the operation of a large or heavy vehicle such as a truck. There is no evidence on record to suggest that the claimant continued to drive a truck after the accident. The only circumstance relied upon is that his driving license was renewed and continued to remain in his name.

13. The fact that he got his driving license cancelled post filing of the appeal may be just a precautionary measure in order that this issue may not be held against him. In the opinion of this Court, the said issue is not germane to the question of disability. The MACT assessed the functional disability at 50%, taking into account the claimant's occupation as a truck driver.



2026:DHC:8423



14. *Mr. Varun Sarin* has argued that the disability ought to be considered at a higher percentage, considering the claimant had lost his vocation.

15. However, in light of the principles laid down in ***Raj Kumar v. Ajay Kumar*** (2011) 1 SCC 343, it is not as if, with 30% permanent disability, he will not be able to manage any other vocation or his whole livelihood would be wiped out. Therefore, considerations relevant to determining 100% functional disability are not attracted in the present case. At the same time, it is noted that the MACT treated the renewal of the driving license as a factor in assessing the functional disability at 50% rather than 100%.

16. Taking all these factors into consideration, this Court is of the view that the claimant's functional disability ought to be assessed at **70%**.

17. On the issue of income, *Mr. Varun Sarin* has argued that the claimant had deposed that he was earning *Rs. 15,000/-* per month from the employer/*M/s Rao Transport*; however, no oral/documentary evidence has been led by the claimant to substantiate this and, therefore, the MACT assessed the claimant's income on the basis of the minimum wages applicable to a skilled worker, i.e., *Rs. 10,478/-* per month.

18. Decisions of the Supreme Court in ***Chandra @ Chanda @ Chandram & Anr. v. Mukesh Kumar Yadav & Ors.*** (Civil Appeal No.6152/2021), which was followed by the Supreme Court in ***Faridaben Mahebub Hajiya & Anr. v. National Insurance Co. Ltd. & Ors.*** 2026 SCC OnLine SC 1287 has been relied upon by counsel for claimant to state that the notional income may be taken as more than minimum wages.



2026:DHC:8423



19. However, this Court is not inclined to enhance the notional income assessed by the MACT, as there is no evidence on record to establish the claimant's actual employment or earnings.

20. As far as *mental & physical shock, pain and suffering and loss of amenities*, the MACT, in the impugned award, clubbed these heads together and awarded a sum of *Rs. 1,10,000/-* collectively.

21. Accordingly, for *pain and suffering* and *mental & physical shock*, the said amount of ***Rs.1,10,000/-*** is awarded, but for *loss of amenities*, a sum of ***Rs.1,00,000/-*** is awarded separately.

22. *Future prospects* were awarded at 50%. However, considering that the claimant was not in permanent employment, *future prospects* ought to be 40%, in light of the principles laid down in ***National Insurance Company Ltd. vs. Pranay Sethi & Ors.*** (2017) 16 SCC 680.

23. Accordingly, the revised computation of 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)	Rs. 50,000/-	Rs. 50,000/-
2.	Expenditure on conveyance and special diet (B)	Rs.40,000/-	Rs.40,000/-
3.	Income of injured per month(E)	Rs. 10,478/-	Rs. 10,478/-
4	Loss of income (L) [Rs. 10,478/-x 4]	Rs.41,912/-	Rs.41,912/-
5.	Add: Future prospects (F)	50%	40% of Rs. 10,478 = Rs. 4,191.20/-
6.	Multiplier (G)	18	18
7.	Functional disability (H)	50%	70%
8.	Loss of future income/future	Rs. 16,97,436/-	Rs. 22,17,983.04/-



2026:DHC:8423



	earnings $[(E+F) \times 12 \times G \times H] = (I)$		
NON-PECUNIARY LOSS			
9.	Pain and suffering (J)	Rs.1,10,000/-	Rs.1,10,000/-
10.	Loss of amenities of life (K)		Rs. 1,00,000/-
11.	Compensation for mental and physical shock (M)		NIL
12.	Total compensation $(A + B + C + D + H + I + J + K + L + M) = (N)$	Rs.19,39,348/-	Rs.25,59,895.04/- (rounded to Rs. 25,59,895/-
13.	Interest awarded	9% per annum	9% per annum
14.	Enhanced compensation	Rs. 6,20,547/-	

24. Accordingly, the compensation is enhanced by Rs. 6,20,547/-.

25. The enhanced amount, along with interest at 9% per annum from the date of filing the petition, shall be deposited before the MACT within a period of four weeks. The same shall be released to the claimant in a lump sum within two weeks thereafter.

26. By order dated 13th October 2017 passed in **MAC.APP. 894/2017**, Insurance Company was directed to deposit the entire compensation amount along with accrued interest and release 20% amount in favour of claimant.

27. Accordingly, balance compensation, along with accrued interest, will be released to the claimant as a lump sum, considering the accident is of 2014.

28. Appeals stand disposed of in the above terms. Pending applications are rendered infructuous.

29. Statutory deposit, if any, be refunded to the Insurance Company only if the order of deposit has been complied with.



2026:DHC:8423



30. Copy of this judgment be sent to the concerned MACT/bank for information and necessary compliance.
31. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

SEPTEMBER 28, 2026/ak/bp