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

\+ MAC.APP. 107/2025 & CM APPL. 7368/2025

SH. FATEH RAM .....Appellant

Through: Mr. Arihant Jain, Advocate.

versus

RELIANCE GENERAL INSURANCE CO. LTD. & ORS. .....Respondents

Through: Mr. A.K. Soni, Advocate for R-1.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

<u>O R D E R</u>

% 05.12.2025

1. The appellant, who was the claimant in MACT No. 521/18, seeks enhancement of the compensation awarded to him by the Motor Accident Claims Tribunal ["the Tribunal"] *vide* award dated 13.09.2024, arising out of a motor vehicle accident in which he sustained injuries.

2. The facts of the accident are largely undisputed. On 08.10.2017, the appellant was riding a motorcycle bearing Registration No. HR-51-BP-3495, with his brother seated as the pillion rider. At about 5:30 PM, while they were travelling towards Village Kot, Dhouj, Faridabad, Haryana, and had reached near Bhadana Hotel on the Sohna-Ballabhgarh Road, their motorcycle collided with a truck bearing Registration No. HR-38-R-0763. As a result of the collision, both the appellant and his brother fell onto the road and sustained injuries.

3. The appellant required hospitalisation, and the Medical Board at Safdarjung Hospital, New Delhi, in its opinion dated 25.02.2022, assessed

that the appellant suffered 80% permanent physical disability in his left upper and lower limbs. At the time of the accident, the appellant was 58 years old.

4. The Tribunal returned a finding of rash and negligent driving against the driver of the truck – respondent No.2 herein, and awarded compensation of Rs.21,66,802/-, alongwith interest at the rate of 7.5% per annum, to the claimant under the following heads:

Sr.No.	Heads	Quantum
Pecuniary Loss		
1.	Expenditure on treatment :	Rs.15,07,539/-
2.	Expenditure on conveyance :	Rs.20,000/-
3.	Expenditure on special diet :	Rs.20,000/-
4.	Cost of nursing / attendant :	Rs.20,000/-
5.	Loss of income : Rs.23,442 x 2.5 months	Rs.58,605/-
6.	Cost of artificial limbs (if applicable):	N/A
7.	Any other loss / expenditure :	N/A
Non-Pecuniary Loss		
8.	Mental and physical shock :	Rs.10,000/-
9.	Pain and suffering :	Rs.10,000/-
10.	Loss of amenities of life :	Rs.30,000/-
11.	Disfiguration :	N/A
12.	Loss of marriage prospects :	N/A
Disability resulting in loss of earning capacity		
13.	Percentage of disability assessed and nature of disability as permanent or temporary:	The petitioner has suffered 80% PPI as per MRS Grading w.r.t. left upper and lower limb.
14.	Loss of amenities or loss of expectation of life span on account of disability :	Already granted
15.	Percentage of loss of earning capacity in relation to disability:	Already granted
16.	Loss of future Income:	Rs.4,90,658/-

	[*Rs.26,337/- (monthly income)* x *9 (approx. months)* x *9 (multiplier)* + *15% of total income (as future prospect)*] The functional disability is taken 20%.	
17.	Total Compensation	Rs.21,66,802/-
18.	Deduction, if any,	Nil
Total Compensation after deduction		**Rs.21,66,802/-**
19.	Interest	Simple interest @7.5% p.a. from the date of filing of Petition till actual realization of Award amount/compensation.

5. I have heard Mr. Arihant Jain, learned counsel for the appellant, and Mr. A.K. Soni, learned counsel for respondent No. 1 – Reliance General Insurance Co. Ltd. [“Insurance Company”].

6. The appellant was serving as a Beldar in the Central Public Works Department at the time of the accident, and although the Tribunal recorded his monthly salary as Rs. 23,442/- as on the date of the accident, this figure is disputed by both parties. In fact, Mr. Jain and Mr. Soni both submit that the Tribunal’s computation suffers from multiple errors, particularly with respect to the assessment of monthly income for the purpose of post-retirement earnings, the applicable multiplier, and the grant of future prospects. Mr. Jain has also filed an application [CM APPL. 7368/2025] under Order XLI Rule 27 of the Code of Civil Procedure, 1908, seeking permission to adduce additional evidence to establish the nature of the injuries sustained by the appellant, so as to enable a proper assessment of functional disability. He submits that the Tribunal erred in assessing the functional disability at only 20%, and applied an incorrect formula in

calculating the loss of future income, resulting in an inadequate award. He further contends that the non-pecuniary damages awarded are grossly insufficient, particularly given the extent of impairment, and the fact that the appellant was compelled to take voluntary retirement from Government service as a consequence of the accident.

7. A perusal of the Tribunal's award indicates that certain aspects indeed require reconsideration. In particular, the monthly salary adopted for computing future income has been assessed at Rs. 26,337/-, a figure that does not find support in the salary slips on record. Learned counsel accept that certain amounts/allowances were erroneously deducted from the appellant's salary, and that the Tribunal incorrectly calculated the annual income on the basis of only 9 months' salary, instead of 12. A multiplier of 9 was applied, even though the computation was intended to reflect post-retirement income. In addition, the Tribunal did not examine whether the appellant's voluntary retirement, prior to attaining the age of superannuation, was a consequence of the accident, and if so, whether he is entitled to compensation for the resultant loss of income. In my view, the non-pecuniary damages have also been inadequately assessed.

8. Having regard to these circumstances, it is clear that further evidence may be required. Learned counsel, therefore, request that the matter be remanded to the Tribunal, with liberty for both parties to adduce additional evidence, if necessary, and to re-argue the matter.

9. Learned counsel are also uncertain as to whether the amount awarded under the impugned order has already been deposited or released to the appellant. The parties may place the relevant material before the Tribunal, which shall account for any deposit or release in the final orders passed,

after reassessing the compensation.

10. In view of the foregoing, the impugned award is set aside, and the matter is remanded to the Tribunal for further proceedings in accordance with the directions contained herein. The parties are directed to appear before the Tribunal on 17.12.2025. The present appeal, along with the pending application, is accordingly disposed of.

PRATEEK JALAN, J

DECEMBER 5, 2025
Sh/dy/SD/