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

+ **MAC.APP. 432/2019**

RAM PAL YADAV

.....Appellant

Through: Ms. Naina Bajaj, Advocate.

versus

**THE NEW INDIA ASSURANCE CO LTD
& ORS.**

.....Respondents

Through: Mr. D Rajeshwar Rao, Mr.
Dheeraj Kumar, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

02.12.2025

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1. The appellant, who was the claimant in Petition No. 164/17, has filed this appeal seeking enhancement of the compensation awarded by the Motor Accident Claims Tribunal ["Tribunal"] by order dated 18.02.2019.
2. The appellant was injured in an accident which took place on 13.01.2017 at about 7:00 p.m., near Laxman Public School, Hauz Khas Metro Station, New Delhi. The evidence recorded by the Tribunal shows that the appellant was riding his motorcycle bearing No. DL-9S-0701, when he was hit by a car bearing No. DL-9CS-7116, and sustained injuries.
3. The Tribunal proceeded to assess the compensation on the basis of the Detailed Accident Report placed before it. The award of Rs. 9,14,600/-, alongwith interest at the rate of 9% per annum, was made



under the following heads:

Sr. No.	Heads	Awarded by the Tribunal
A.	<i>Pecuniary Loss:</i>	
i.	Medical Expenses	Rs. 2,03,772/-
ii.	Attendant charges	Rs. 25,000/-
iii.	Conveyance	Rs. 15,000/-
iv.	Special diet	Rs. 10,000/-
v.	Loss of Leaves	Rs. 4,60,800/-
B.	<i>Non-Pecuniary Loss:</i>	
i.	Pain and suffering, and enjoyment of life	Rs. 1,00,000/-
ii.	Loss of amenities of life	Rs. 1,00,000/-
C.	<i>Disability assessed:</i>	
i.	Percentage of disability assessed and nature of disability	65% permanent
	TOTAL COMPENSATION	Rs. 9,14,572/- (rounded off to Rs. 9,14,600/-)

4. Ms. Naina Bajaj, learned counsel for the appellant, submits that the Tribunal has omitted to grant any compensation on account of disability/disfigurement, despite the disability certificate having been placed before it, showing that the appellant had suffered 65% permanent disability in relation to both his lower limbs. As recorded in an order of the Tribunal dated 06.08.2018¹, the disability certificate was placed before it². A copy of the disability certificate has also been handed up in Court and is taken on record.

¹ Page 21 of the electronic record of the Tribunal, on the record of this appeal.

² Page 57 of the electronic record of the Tribunal, on the record of this appeal.



5. Ms. Bajaj also submits that the compensation on account of special diet, conveyance and attendant charges, is inadequate. As far as this aspect is concerned, I find from paragraph 10 of the impugned award that the Tribunal has estimated these amounts in the absence of any evidence.

6. At the time of the accident, the appellant was working in Delhi Police as an Assistant Sub-Inspector. While he did not suffer any loss of income as a consequence of the accident, he has been compensated for loss of leave for 234 days, which he had to avail as a result of the accident. There is no dispute with regard to this aspect. However, a third component of compensation, which concerns loss of earning capacity post-retirement, appears to have been missed by the Tribunal. This Court has held in *Rajbir Singh v. National Insurance Company Limited & Ors.*³, that even in the case of employees who do not suffer any loss of income as a direct result of an injury, they are entitled to the potential loss of earning capacity post-retirement. In the present case, this computation would require an assessment of the functional disability suffered by the appellant in terms of the judgment of the Supreme Court in *Raj Kumar v. Ajay Kumar & Anr.*⁴, and correlation with the vocation of the appellant. For these purposes, it is necessary that the matter be remanded to the Tribunal.

7. In view of the aforesaid, the matter is remanded to the Tribunal to enable the parties to lead evidence with regard to functional disability, if any, for computation of post-retirement income, loss of earning capacity, and also to enable the appellant to lead evidence with regard to any

³ 2024 SCC OnLine Del 8143.

⁴ (2011) 1 SCC 343.



pecuniary damages on account of diet, conveyance, and attendant charges. The Tribunal will also assess the non-pecuniary compensation, if any, payable on account of disability/disfigurement.

8. I am informed that the amount awarded by the Tribunal has already been deposited by respondent No. 1 – New India Assurance Company Limited, and released to the appellant. No further orders are, therefore, required in this regard.

9. The appeal stands disposed of in these terms.

10. The statutory deposit, if any, be refunded to the appellant.

11. The parties will appear before the Tribunal on 19.12.2025 for further proceedings in terms of this order.

PRATEEK JALAN, J

DECEMBER 2, 2025
SS/KA/