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

\+ MAC.APP. 675/2025 & CM APPL. 65883/2025

SATYENDER KUMAR .....Appellant

Through: Mr. Vishal Arun Mishra, Mr. Ravi Shankar Jha, Ms. Pooja, Mr. A.K. Singh, Advocates.

versus

SURENDER YADAV AND ORS .....Respondents

Through: Mr. Ravi Sabharwal, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% **19.11.2025**

1. The appellant, who was the claimant before the Motor Accident Claims Tribunal ["the Tribunal"] in MACT No. 750/2018, seeks enhancement of the compensation awarded by the Tribunal by its judgment dated 19.05.2025.

2. I have heard Mr. Vishal Arun Mishra, learned counsel for the appellant. The record of the Tribunal has also been produced by him. He is requested to e-file the same within three days from today.

3. The appellant was injured in an accident which took place on 05.07.2018. The appellant was riding a motorcycle bearing Registration No. DL-4-SBU-6992 when it was hit by the insured vehicle bearing Registration No. DL-1LH-2665. As a result of the accident, the appellant sustained injuries, which have been assessed at 6% permanent disability of the left upper limb and 19% permanent dental disability. The overall

physical impairment has been verified as 24% by the Disability Board.

4. The Tribunal has returned a finding of rash and negligent driving against the driver of the vehicle and awarded compensation in the sum of Rs.11,34,380/- alongwith interest at 9% per annum in favour of the appellant. The heads of compensation awarded by the Tribunal include the following:

S.No.	***Heads***	***Awarded by Tribunal***
Pecuniary Loss:		
i.	*Expenditure on treatment*	*Rs. 2,65,219/-*
ii.	*Expenditure on Conveyance*	*Rs. 20,000/-*
iii.	*Expenditure on special diet*	*Rs. 20,000/-*
iv.	*Attendant Charges*	*Rs.30,000/- (5000x6)*
v.	*Loss of income during treatment*	*Rs.1,08,900/- (18,150x6)*
vi.	*Any other loss which may require any special treatment or aid to the injured for the rest of his life*	*2,44,000/-*
Non-Pecuniary Loss:		
i.	*Mental pain and physical shock as well as for pain and suffering*	*Rs. 50,000/-*
ii.	*Loss of amenities of life*	*Rs. 50,000/-*
iii.	*Disfiguration*	*Rs. 50,000/-*
iv.	*Loss of marriage prospects*	*Nil*
v.	*Loss of inconvenience, hardships, disappointment, frustration, mental stress, dejectment and unhappiness in future life etc.*	*Rs. 50,000/-*
Disability resulting in loss of earning capacity:		
i.	*Percentage of disability assessed and nature of disability*	*19% dental liability and 6% permanent disability in relation to left upper limb*
ii.	*Loss of expectation of life span on account of disability*	*Nil*
iii.	*Percentage of functional disability*	*3% qua whole body*
iv.	*Loss of future income (Income X*	*Rs. 1,46,361/-*

	functional disability X multiplier)	
v.	*Dental disability*	*Rs. 1,00,000/-*
Total Compensation		*Rs. 11,34,380/-*
Interest Awarded		*9% per annum*

5. It may be noted that the Tribunal assessed the appellant's permanent functional disability at 3% qua the whole body. He was granted compensation for loss of income on the basis of his salary of Rs.18,150/- per month, for a period of six months, and was also granted compensation for loss of future income on the basis of the aforesaid percentage of disability.

6. The first argument of Mr. Mishra is that the Tribunal has erroneously proceeded on the basis of the appellant's salary of Rs.18,150/- per month, and ignored the fact that he was getting daily allowances of Rs. 200/-, Rs.500/- per month for mobile expenses, and Rs.500/- per month for miscellaneous expenses. On this basis, it was contended that the appellant's income was, in fact, enhanced by cash remuneration of Rs.6,000-7,000 per month.

7. The appellant was working as a Sales Officer in a company named Ashok & Company Pan-Bahar Ltd. The Tribunal relied upon his employer's salary certificate – Exhibit PW-5/5 and a pay slip – Exhibit PW-5/R3B to come to the conclusion that the appellant was earning a monthly salary of Rs.18,150/-. Both the pay slip and the salary certificate admittedly certify a salary of Rs.18,150/- per month.

8. As far as the daily allowances, mobile expenses, and miscellaneous expenses are concerned, it may be noted that the appellant did not produce any documentary evidence in support of these claims. The

representative of the appellant's employer was examined as PW-5. He exhibited the appellant's salary slip, but no evidence was adduced with regard to payment of these allowances. In fact, the daily allowance, miscellaneous allowance, and allowance for mobile expenses are all intended to compensate the employee for expenses incurred in the course of his work as a sales officer. For the period during which the appellant was not working, I am of the view that the Tribunal has rightly assessed his income on the basis of salary of Rs.18,150/- per month, without adding these allowances.

9. Mr. Mishra's second argument is that the Tribunal has erroneously granted only Rs.30,000/- for attendant charges, and Rs.20,000/- for special diet. This claim was also unsupported by any evidence. Even in his affidavit of evidence, the appellant only claimed a lump sum compensation of Rs.30 lakhs, for which he enumerated all the heads of pecuniary and non-pecuniary damages collectively. The evidence before the Tribunal led it to conclude that the appellant would have remained under treatment for a period of about six months, which is why the sum of Rs.20,000/- was awarded towards special diet. It may be noted that, having regard to the fact that the appellant had suffered dental injuries which would affect food intake, he was independently granted lump sum compensation of Rs.1,00,000/- towards dental disability. The compensation for special diet amounts to over Rs.2,000/- per month for the period of treatment, which appears to be quite reasonable.

10. Similarly, attendant charges of Rs.30,000/-, i.e. Rs.5,000/- per month for six months, are also, in my view, reasonable. There was no evidence of engagement of any outside attendant, and the compensation

of Rs.5,000/- per month, in lieu of gratuitous services that the appellant may have availed of, is adequate. The Tribunal's assessment in this regard is therefore unassailable.

11. While assessing damages, the Tribunal is enjoined to arrive at a just and reasonable compensation on the basis of preponderance of probabilities. Although it is not bound by strict rules of pleadings and evidence, the effort must be to arrive at reasonable compensation. Having regard to the injuries, which resulted in disability of 6% in relation to the appellant's left upper limb and 19% dental disability, I am of the view that the heads of damages and quantum awarded by the Tribunal were adequate, and no further enhancement is required.

12. There being no other points urged in support of the appeal, the appeal, alongwith pending application, is dismissed.

PRATEEK JALAN, J

NOVEMBER 19, 2025

"Bhupi/KA"/