



2026:DHC:2429



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: 20<sup>th</sup> March 2026*+ MAC.APP. 198/2026, CM APPL. 17757/2026, CM APPL. 17758/2026 & CM APPL. 17759/2026

RAJBEER GUPTA

.....Appellant

Through: Mr. S.N. Parashar and Mr. Ritik Singh, Advs.

versus

VIKAS &amp; ORS.

.....Respondents

Through: Mr. Divyanshu Kumar, Adv. for Mr. J.P.N. Shahi, Adv. for Insurance Company.

**CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J (ORAL)**

1. This appeal has been filed seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal ('*MACT*') vide Award dated 23<sup>rd</sup> August 2025 in MACT No.77525/2016, whereby compensation of Rs.26,16,867/- along with interest @ 9% per annum was awarded.

2. *Mr. S.N. Parashar*, counsel for appellant, contends that the functional disability ought to have been considered as 100%, in view of the certification of 60% permanent disability in relation to the left side of the body, which is essential for walking, and necessitates assistance from others for travelling and mobility.

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Page 1 of 4



2026:DHC:2429



3. Appellant was aged 37 years, self-employed and earning *Rs.15,000/-* per month.
4. On 25<sup>th</sup> September 2014, claimant met with an accident while travelling from Delhi towards Agra with his friend in car, which struck a truck, that was moving ahead. He was hospitalized for approximately a month and claimed compensation.
5. **PW-6/Dr. Pravendra Singh**, was examined in respect of the Disability Certificate. He stated that it was a case of *post traumatic left side hemiparesis*, with the disability of 60%, which is permanent as far as left side of the body was concerned and the patient was partially dependent on others for activities of daily living like needing support for walking and assistance of other persons for travelling.
6. Upon assessment, the MACT, in *paragraphs 34–36*, assessed the functional disability at 50% for the purpose of computing loss of earning capacity.
7. *Mr. S.N. Parashar*, counsel for appellant, submits that considering that this would have made the claimant extremely dependent on others for mobility, making it difficult for him to perform routine work, earn income, or continue with his vocation.
8. However, the MACT's assessment, as perused by this Court, seems to be appropriate in consonance with the records available.
9. Therefore, this Court does not find any reason to accept the said plea.
10. The Court has taken into account the testimony of **PW-3** as well as the record of treatment which the claimant had to undergo in various hospitals and for his continued treatment in an OPD thereafter, which is narrated in *paragraph 33* of the MACT award.



2026:DHC:2429



11. However, as regards non-pecuniary damages, which *Mr. Parashar*, submits are inadequate, this Court is inclined to enhance the compensation under the heads of *pain and suffering* from Rs. 1,00,000/- to Rs.2,00,000/-, and *loss of amenities of life* from Rs. 1,00,000/- to Rs. 2,00,000/-.

12. Accordingly, the compensation would stand recomputed as under:

| S. no                     | Heads of Compensation                            | Awarded by tribunal | Awarded by the Court |
|---------------------------|--------------------------------------------------|---------------------|----------------------|
| <b>Pecuniary Loss</b>     |                                                  |                     |                      |
| 1.                        | Medical Expenses (A)                             | Rs. 5,85,255/-      | Rs. 5,85,255/-       |
| 2.                        | Loss of Income during treatment period (B)       | Rs. 1,24,488/-      | Rs. 1,24,488/-       |
| 3.                        | Expenditure of conveyance (C)                    | Rs. 50,000/-        | Rs. 50,000/-         |
| 4.                        | Expenditure of special diet (D)                  | Rs. 1,00,000/-      | Rs. 1,00,000/-       |
| 5.                        | Attendant Charges (E)                            | Rs. 1,50,000/-      | Rs. 1,50,000/-       |
| 6.                        | Income of injured per month (F)                  | Rs. 10,374/-        | Rs. 10,374/-         |
| 7.                        | Future prospects @ 40% (G)                       | Rs. 4,149.6/-       | Rs. 4,149.6/-        |
| 8.                        | Functional disability (H)                        | 50%                 | 50%                  |
| 9.                        | Multiplier (I)                                   | 15                  | 15                   |
| 10.                       | Loss of future income<br>[(F+G) x 12 x H x I]= J | Rs.<br>13,07,124/-  | Rs.<br>13,07,124/-   |
| <b>Non-pecuniary loss</b> |                                                  |                     |                      |
| 11.                       | Pain and suffering (K)                           | Rs. 1,00,000/-      | Rs. 2,00,000/-       |
| 12.                       | Loss of Amenities of Life (L)                    | Rs. 1,00,000/-      | Rs. 2,00,000/-       |
| 13.                       | Disfigurement (M)                                | Rs. 1,00,000/-      | Rs. 1,00,000/-       |
| 14.                       | Total (A+B+C+D+E+J+K+L+M=N)                      | Rs.<br>26,16,867/-  | Rs.<br>28,16,867/-   |
| 15.                       | Interest                                         | 9%                  | 9%                   |



2026:DHC:2429



13. Enhanced compensation alongwith 9% interest per annum from the date of filing the petition will be deposited before the MACT within a period of four weeks. The deposited amount shall be released to the claimant as per the scheme of the impugned award.
14. Copy of this judgment be sent to the concerned MACT.
15. Appeal stands disposed of with above directions. Pending applications, if any, are rendered infructuous.
16. Judgment be uploaded on the website of this Court.

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

**MARCH 20, 2026/mk/zb**