



\$~25

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

+ **MAC.APP. 68/2022**

DILSAR KHAN @DILSHAD KHANAppellant

Through: Mr. Rajesh Kumar Gupta, Adv.

versus

PINTU KUMAR JEPH & ORS.Respondents

Through: Mr. S.K. Roy, Adv. for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

%

09.03.2026

1. This appeal has been filed seeking enhancement of compensation awarded by judgment dated 07th October 2021 passed by Motor Accidents Claims Tribunal [**MACT**], South District, Saket Courts in MACT Petition No.2029/2019 awarding Rs. 12,62,215/- at an interest rate of 7% per annum.
2. On 17th June 2018, appellant/claimant along with one, *Javed*, were returning from their home situated at *Sangam Vihar* on separate bikes, upon reaching near *Bird Century Okhla Barrage, Noida, UP*, appellant's/claimant's bike was hit by an ambulance bearing no. HR-63-A-7234 (hereinafter, '**offending vehicle**') from the back side by respondent no.1/driver while driving the said offending vehicle in rash and negligent manner. Consequently, appellant/claimant was admitted in Holy Family Hospital.
3. Counsel for appellant/claimant has raised two issues: **firstly**, that functional disability was assessed at 35%, whereas it should have been 80%;



and **secondly**, benchmark income was considered at Rs.11,613/-, whereas, the gross income of claimant was Rs.15,000/-, as is evident from the salary slips.

4. As regards the assessment of functional disability, the MACT has noted that the Disability Certificate issued by the medical authorities showed that he had suffered 35% permanent disability with respect to his both lower limbs and pelvis. On this ground, taking a benevolent view in the matter, functional disability was taken as 35% with respect to the whole body and was not reduced below 35%.

5. The Court does not find anything infirm in this assessment by the MACT, considering that there is no other evidence on record, which could persuade this Court to enhance the functional disability to more than 35%.

6. Regards benchmark income, counsel for appellant/claimant has drawn attention to two salary slips of April 2018 and May 2018. It does show that the gross amount as per the salary slips are Rs.10,000/- and Rs.11,613/-, respectively. However, on the back side of the salary slips, it is stated that the gross salary is Rs.15,000/- but Rs.10,000/- was given in April 2018 deducting for leaves taken, whereas Rs.11,613/- was paid May 2018 deducting for leaves taken.

7. In view of this and the testimony of appellant/claimant, who stated that he was working in *M/s S K Electrical Pvt. Ltd.* as an electrician and earning Rs.15,000/- per month, the plea of appellant/claimant would sustain.

8. Even as per the cross-examination conducted by Insurance Company, there was nothing to counter the statement of appellant/claimant that he was earning Rs.15,000/- per month.

9. In view of the same, the revised computation is as under:



Sr. No.	Heads	Awarded by the Tribunal	Awarded by this Court
PECUNIARY LOSS			
1.	Expenditure on conveyance (B)	Rs. 50,000/-	Rs. 50,000/-
2.	Expenditure on special diet (C)		
3.	Attendant Charges (D)		
4.	Income of injured (E)	Rs. 11,613/-	Rs. 15,000/-
5.	Add: Future prospects @ 40% (F)	Rs. 4,645/-	Rs. 6,000/-
6.	Multiplier (G)	16	16
7.	Functional disability (H)	35%	35%
8.	Loss of Income (I)	Rs. 69,678/-	Rs. 90,000/-
9.	Loss of future income/future earnings $[(E+F) \times 12 \times G \times H] = (J)$	Rs. 10,92,537/-	Rs. 14,11,200/-
NON-PECUNIARY LOSS			
10.	Pain, suffering and enjoyment of life (K)	Rs. 50,000/-	Rs. 50,000/-
11.	Total compensation $(B + C + D + I + J + K) = L$	Rs. 12,62,215/-	Rs. 16,01,200/-
12.	Interest awarded	7%	7%

10. Accordingly, compensation amount has been enhanced to Rs. 16,01,200/-. Enhanced amount, along with interest at the rate of 7% per annum from the date of filing of petition will be deposited by the Insurance Company within before the MACT within a period of four weeks and same shall be released to the appellant/claimant as per the directions given in the impugned award.

11. The appeal is disposed of, accordingly.

12. Pending applications, if any, are rendered infructuous.



13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 9, 2026/MK/sp