



2026:DHC:846



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 2<sup>nd</sup> February, 2026+ MAC.APP. 703/2013

SH SHAHID

.....Appellant

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

versus

SH SATISH &amp; ORS

.....Respondents

Through: Ms. Suman Bagga, Ms. Mouli  
Sharma, Advs. for R-3/ 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 on 7<sup>th</sup> January 2013 by the Motor Accident Claims Tribunal, Tis Hazari Courts, Delhi (*'MACT'*) in MAC Petition No.213/2012. The compensation was awarded at Rs.1,04,069/- along with interest @ 9% per annum.
2. *Mr. S.N. Parashar*, counsel appearing on behalf of appellant contends that no *loss of future income* was awarded, despite *40% permanent disability* being assessed.
3. The accident had occurred on 25<sup>th</sup> March 2012 near Delhi University



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Metro Station due to rash and negligent driving of truck driven by respondent no.1. The petitioner was a helper travelling in the said truck, who suffered injuries and was taken to hospital. An FIR was lodged and MLC was prepared.

4. Regarding *Issue No.1*, the MACT held that the claimant/appellant herein suffered injuries due to the rash and negligent driving of respondent no.1, basing their finding on the FIR and the Mechanical Inspection Report. While compensation on account of *medical expenses, special diet and conveyance, loss of income* and *pain and suffering* was awarded at Rs.1,04,069/-, no amount was awarded towards *loss of future income*. The minimum wages of an *unskilled worker* at Rs.6,656/- per month has been taken as a benchmark income and *loss of income* for only three months had been awarded at Rs.19,968/-.

5. *Mr. Parashar* points out to the certificate dated 3<sup>rd</sup> April 2013 issued by the *Orthopaedic Surgeon at Meerut, U.P.*, which assessed the disability as 40%. He further refers to another certificate dated 7<sup>th</sup> September 2012 issued by Office of Medical Superintendent, Hindu Rao Hospital, which states that it is a temporary disability of 43% in relation to left lower limb.

6. Further, he relies on the statement of *Dr. R.P. Singhal*, Senior Consultant/ *Orthopaedic Surgeon at District Hospital, Meerut, U.P.* recorded before this Court on 3<sup>rd</sup> November 2014. A perusal of the said statement would bear out that *Dr. R.P. Singhal* confirmed the certificate issued by their office. However, he also stated that it was a certificate for physically handicapped, issued after physically examining the applicant and after assessing his muscle power and movement of the joints. Importantly,



he stated that the physically handicapped certificate is not valid in motor accident claim cases. The certificates valid in motor accident claims are issued separately by the Office of Chief Medical Officer, wherein a detailed medical examination is conducted.

7. *Dr. R.P. Singhal* stated that appellant was not treated by him and he had no personal knowledge about the injuries. He, further, stated that he had examined appellant for the purpose of issuing the certificate of physically handicapped, but did not notice any injury on the body. He further stated that in the interregnum between the issue of certificate by the Senior Orthopaedic Consultant and the Office of Chief Medical Officer, the percentage of disability may reduce by undergoing some surgical procedure or by doing physiotherapy.

8. *Mr. Parashar* points out to the statement of *Dr. R.P. Singhal* to profess that there was functional disability which ought to have been accounted for to compute *loss of future income*. The relevant part of statement of *Dr. Singhal* is extracted hereunder:

*“Mr. Shahid will have problem in movement while undertaking any physical work. Mr. Shahid, with his present physical disability, can or cannot work as a helper in a truck. However, his output or work performance will be much less than the performance of the normal person.”*

9. *Ms. Suman Bagga*, counsel for Insurance Company states that there is no crystallization of the actual disability which the claimant suffered and the statement of *Dr. R.P. Singhal* would also show that there can be a reduction in the disability and impediment which was originally caused.



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10. In these circumstances, the Court is of the opinion that basis statement of *Dr. R.P. Singhal*, there was certainly a reduction in working capacity of *Mr. Shahid*, considering he was working as a helper in the truck and he was probably doing other miscellaneous jobs which involved some movement and mobility.

11. Considering there was a reduction in the mobility approximated around 40%, some functional disability ought to have been considered by the MACT. The only medical evidence on record seems to suggest that he had a fracture in the left ankle joint and, therefore, suffered *temporary physical impairment* of 43%, as per the certificate issued by *Municipal Corporation of Delhi, Hindu Rao Hospital* on 7<sup>th</sup> September 2012.

12. Therefore, the Court is inclined to award a lumpsum amount towards the *loss of future income*, taking into account 20% disability and 40% future prospects and *multiplier* of 14 as the injured was of 41 years at the date of the accident. This would be aligned with parameters prescribed in *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680. The amount is recomputed as:

| S. no | Heads of Compensation                          | Awarded by tribunal | Awarded by the Court |
|-------|------------------------------------------------|---------------------|----------------------|
|       | <b>Pecuniary Loss</b>                          |                     |                      |
| 1.    | Expenditure on treatment (A)                   | Rs. 101/-           | Rs. 101/-            |
| 2.    | Expenditure of conveyance and special diet (B) | Rs. 9,000/-         | Rs.9,000/-           |
| 3.    | Income of injured per month (C)                | Rs. 6656/-          | Rs. 6656/-           |
| 4.    | Future prospects @ 40% (D)                     | -                   | Rs. 2,662/-          |



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|     |                                                  |                |                |
|-----|--------------------------------------------------|----------------|----------------|
| 5.  | Loss of income (C) x 3=(E)                       | Rs. 19,968/-   | Rs. 19,968/-   |
| 6.  | Functional disability (F)                        | -              | 20%            |
| 7.  | Multiplier (G)                                   | -              | 14             |
| 8.  | Loss of future income<br>[(C+D) x 12 x F x G]= H | -              | Rs. 3,13,085/- |
|     | <b>Non-pecuniary loss</b>                        |                |                |
| 9.  | Pain and suffering (I)                           | Rs. 75,000/-   | Rs.75,000/-    |
| 10. | Total (A+B+E+H+I=J)                              | Rs. 1,04,069/- | Rs. 4,17,154/- |
| 11. | Interest                                         | 9%             | 6%             |

13. The Insurance Company will deposit the enhanced amount along with interest @ 6% per annum before the Registry of this Court within a period of four weeks and the same be released in favour of appellant, upon verification, within a period of two weeks thereafter. The interest rate is being awarded at 6% per annum in view of peculiar facts and circumstances.

14. Appeal stands disposed of with above directions.

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

16. Statutory deposit, if any, be refunded to the appellant.

17. Judgment be uploaded on the website of this Court.

**ANISH DAYAL, J**

**FEBRUARY 2, 2026/ak**