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

+ **MAC.APP. 103/2014**

SHRI RAJU @ MOHD HANIFAppellant

Through: Mr. Mayank Khurana, Adv.

versus

SHRI CHANDRESH & ANRRespondents

Through: Mr. Pankaj Seth, Adv. for Insurance Company.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

10.03.2026

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1. This appeal has been filed on behalf of *Raju@Mohd. Hanif* seeking enhancement of compensation awarded by the MACT *vide* award dated 02nd March 2013 in Case No.173/2010 and Case No.174/2010.
2. This in relation to the accident which occurred on 10th November 2009 near *Tilak Nagar Flyover*, when *Wasim* and *Raju* stopped their *Mahindra Champion* due to a puncture in rear tyre. While replacing the same, they were allegedly hit by an offending vehicle (motorcycle driven rashly and negligently by respondent no.1/*Chandresh*) causing injuries to both. The petitions were, therefore, consolidated.
3. No written statement was filed by respondent no.1.
4. The Insurance Company admitted that the vehicle was insured but pleaded that the driver was under the influence of alcohol and that there was other breach of policy conditions.



5. The functional disability was assessed at 12.5% in the case of *Raju*, and was, accordingly, computed at Rs.1,58,750/- along with interest @ 7.5%. per annum

6. *Mr. Mayank Khurana*, Counsel appearing on behalf of appellant, contends that appellant was a helper by vocation. Since he was unable to prove his employment, the benchmark income was taken as minimum wages for an unskilled person at Rs.3,953/-. However, *future prospects* were added at only 30% even though appellant was 17 years of age, as noted in the MACT's award in *paragraph 36* at the time of accident. No doubt, as per the principles enunciated in ***National Insurance Company v. Pranay Sethi & Ors.*** (2017) 16 SCC 680, *future prospects* up to 40% are applicable for persons below the age of 40 years. Accordingly, the said plea is tenable and is accepted.

7. An additional issue has also been raised regarding non-pecuniary damages towards *pain and suffering*. Only Rs.15,000/- has been awarded towards *pain and suffering*. Counsel for appellant states that a more appropriate amount ought to have been awarded towards *pain and suffering*.

8. Considering the facts and circumstances of the case, and the nature of injuries sustained by the injured/*Raju*, the Court is inclined to award amount of Rs.50,000/- towards *pain and suffering*.

9. Also, as per the disability certificate, permanent disability was assessed at 25% in relation to the left lower limb as a case of *post traumatic operated fracture shaft of femur left side with fracture tibia (united) with LLD of left lower limb*, compensation towards *loss of amenities*, and *prospects of marriage* ought also to have been granted by the MACT.

10. Accordingly, an additional amount of Rs.50,000/- each is awarded on that account.



11. Accordingly, the revised compensation be recomputed as under:

S. No.	Compensation under various heads	Amount awarded	Re-computed amount
1.	Treatment expenses	Rs. 5,000/-	Rs. 5,000/-
2.	Pain and sufferings	Rs. 15,000/-	Rs. 50,000/-
3.	Conveyance & special diet	Rs. 5,000/-	Rs. 5,000/-
4.	Monthly income of injured(A)	Rs. 3953/-	Rs. 3953/-
5	Future Prospect(B)	30%	40%
6	Multiplier (C)	18	18
7.	Functional Disability (D)	12.5%	12.5%
8.	Compensation towards loss of income during treatment period & Compensation on account of disability $[E=(A+B) \times 12 \times C \times D]$	Rs. 1,38,750/-	Rs. 1,49,423.40/-
9.	Loss of amenities	Nil	Rs. 50,000/-
10.	Loss of marriage prospect	Nil	Rs. 50,000/-
10.	Total	Rs 1,58,750/-	Rs. 3,09,423.40 Rounded to Rs. Rs. 3,09,423/-
11.	Rate of interest	7.5% per annum	7.5% per annum

12. Enhanced compensation amount, along with accrued interest at 7.5% *per annum* from the date of the filing of the claim petition till date will be deposited before the MACT within four weeks, and the same shall be withdrawn by appellant/claimant thereafter.

13. Accordingly, the appeal is allowed and disposed of,

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

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

ANISH DAYAL, J

MARCH 10, 2026/MK/bp