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

+ **MAC.APP. 1144/2013**

ORIENTAL INSURANCE CO LTDAppellant

Through: Mr. Pankaj Seth, Adv.

versus

KALPANA CHAUHAN & ORSRespondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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18.03.2026

1. This appeal has been filed assailing the award dated 15th October 2013 passed by the Motor Accident Claims Tribunal, West Delhi [*MACT*] in *Claim No.339/2010*, whereby compensation of *Rs.1,49,500/-* with interest at 7.5% was awarded in favour of claimant, who sustained injuries in an accident dated 24th August 2009.

2. *Mr. Pankaj Seth*, counsel appears on behalf of Insurance Company.

3. However, none appears on behalf of the claimant. There has been lack of appearance on behalf of the claimant on previous dates as well.

4. As regards the appeal of the Insurance Company, *Mr. Pankaj Seth*, counsel for Insurance Company, contends that the *future prospects* ought not to have been granted. He states that 30% was added towards *future prospects* to the income as per *paragraphs 34 and 35* of the Award, since the age of the claimant was *41 years* of age on the date of the accident; however, 25% ought to have been added instead of 30%, considering that minimum wages of an '*unskilled*' worker had been applied and claimant had



stated that he was self-employed. For ease of reference said paragraphs of the award are extracted as under:

“34. Since the deceased was 42 years of age as on the date of accident, 30% of income towards the future prospects is required to be added in terms of aforesaid judgment in Rajesh's case(supra). Hence after averaging out, the income of deceased comes out to be Rs. 5138.9 p. (Rs. 3953 + 30%)

35. Accordingly the petitioner was 41 years of age as on the date of accident for which the relevant multiplier 14 as mentioned in Sarla Verma Vs. DTC decided on 15.4.2009 in C.A. No. 3483/08. Therefore, the total loss of earning capacity comes out to be Rs. 1,29,500.28 p. p. rounded off to Rs. 1,29,500/- = (Rs. 5138.9 p. X 12 X 14 x 15/100).”

5. Accordingly, the Court accepts this argument made by the counsel appearing on behalf of Insurance Company, and finds it apposite to reassess *future prospects* from 30% to 25%, following the principles enunciated by the Supreme Court in **National Insurance Co. Ltd. v. Pranay Sethi**, (2017) 16 SCC 680, particularly in *paragraph no.59.4* thereof, which governs addition towards future prospects in cases of self-employed persons. For ease of reference said paragraph is extracted as under:

“59.4. In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.”

(emphasis added)



6. According the compensation is recomputed on the basis of 25% future prospects:

S. NO	HEADS OF COMPENSATION	AWARDED BY TRIBUNAL	AWARDED BY THE COURT
PECUNIARY LOSS			
1.	Expenditure on treatment (A)	Nil	Nil
2.	Expenditure on special diet and Conveyance (B)	Rs. 5,000/-	Rs. 5,000/-
3.	Income of injured per month (E)	Rs. 3,953/-	Rs. 3,953/-
4.	Future prospects @ 25% (F)	Rs. 1,185.9	Rs. 988.25/-
5.	Functional disability (H)	15%	15%
6.	Multiplier (I)	14	14
7.	Loss of future income [(E+F) x 12 x H x I]= J	Rs. 1,29,500/-	Rs. 1,24,520/-
NON-PECUNIARY LOSS			
8.	Pain and suffering and Loss of Amenities of life	Rs. 15,000	Rs. 15,000
TOTAL COMPENSATION (A+B+C+D+G+I+J+K)= P		Rs. Rs. 1,49,500/-	Rs. 1,44,520/-
INTEREST		7.5%	7.5%

7. Accordingly, this appeal stands disposed of.

8. It is however noted that the appeal for enhancement of compensation MAC.APP. 425/2014 is still pending before this Court and computation arrived at above will be finally subject to the conclusion in that appeal.

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

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

ANISH DAYAL, J

MARCH 18, 2026/MK/tk