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

% ***Reserved on : 25th March 2026***
Pronounced on : 26th May 2026
Uploaded on : 29th May 2026

\+ **MAC.APP. 553/2015**

VIJAY KUMAR SOOD .....Appellant

Through: Mr. R.K. Dhawan, Ms. Nisha Dhawan, Mr. Pawan Karan Deo, Advocates.

versus

SATISH CHAND JAIN & ORS (THE ORIENTAL INSURNACE CO LTD) .....Respondents

Through: Mr. Pradeep Gaur, Mr. Amit Gaur, Ms. Sweta Sinha, Mr. Kaarrtikey Parashar, Advocates for Respondent no.3.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J.

1. *Mr. R.K. Dhawan*, counsel for the appellant-claimant, has placed his arguments with respect to his plea for enhancement of compensation awarded by MACT. The Tribunal, *vide* judgment dated 4th April 2015 in Suit no.408/2011, awarded compensation of *Rs.29,57,616/-* along with

interest @ *7.5% per annum*.

2. On 24th July 2005, appellant, *Vijay Kumar Sood,* was travelling from Lucknow to Delhi along with his wife, *Anita Sood,* his two daughters and one granddaughter, when a UPSRTC bus (offending vehicle) hit their vehicle on National Highway, causing grievous injuries to appellant and his wife while their driver and one of daughters succumbed to their injures. The offending vehicle was being driven by respondent no.1 and insured with respondent no.4, Insurance Company.

3. *Mr. R.K. Dhawan* raised the following issues in respect of enhancement:

i. Since the appellant was 55 years 22 days old on the date of accident, *multiplier* of *11* ought to have been adopted instead of *9*;

ii. *Future prospects* at *15%* ought to have been granted, as the appellant was in a permanent job with *Punjab National Bank* (***'PNB'***) holding the post of General Manager, and he subsequently superannuated from the bank;

iii. Benchmark income/salary of the appellant, based on Income Tax Returns (***'ITRs'***), ought to have been taken by the MACT at *Rs.41,946/-* instead of *Rs.36,250/-*;

iv. Medical expenses to the extent of *Rs.3.41 lakhs* were not considered by the MACT on the pretext that the original bills were not produced, even though these bills were from various pharmacy vendors and had been submitted in *PNB* for medical reimbursement and hence, only photocopies were filed before the MACT;

v. A sum of only *Rs. 20,000/-* towards *conveyance* has been awarded, notwithstanding that the appellant was hospitalized for about a year and has to visit hospital regularly even till date for continued treatment; and

vi. *Functional disability* was assessed at *50%*, despite the disability certificate of *73%* permanent disability with respect to right lower limb, and he lost promotion opportunities in the bank and suffered adverse impact on his future prospects.

4. *Mr. Gaur*, counsel for Insurance Company, submitted the following:

i. The issue of the multiplier has already been settled by this Court in the cross-appeal, being ***MAC.APP. 476/2015***, filed by the Insurance Company. This Court, after hearing and considering the submissions advanced on behalf of both parties, held that the appropriate multiplier to be applied was '6' and not '9'. Therefore, the said issue has attained finality and was put to rest.

ii. As regards future prospects, he contended that future prospects should not be awarded. According to him, the claimant continued to remain in service with PNB even after the accident and did not suffer any loss of employment or reduction in salary on account of the injuries sustained. It was, therefore, argued that the accident did not have any adverse effect on his earning capacity.

iii. As regards the medical expenses, it was submitted that original bills are ordinarily required for reimbursement and verification of expenditure even in a Mediclaim policy, and therefore, claim based on photocopies of the bills should not be allowed.

iv. As regards disability, it was argued that despite the disability, the claimant continued to discharge his duties and remained gainfully employed.

5. Further*, Mr. Pradeep Gaur*, counsel for Insurance Company, submitted that the connected appeal being ***MAC.APP.476/2015***, filed by the Insurance Company, was disposed of by the Coordinate Bench of this Court by order dated 15th November 2019, whereby some components of the compensation were already enhanced. He further states that it was implicit that on that day, that aspects of the cross-appeal, being ***MAC.APP.553/2015***, filed by the claimants, were also being considered.

6. In this cross-appeal filed by the Insurance Company for reduction of compensation, being ***MAC.APP. 476/2015***, the Coordinate Bench of this Court had passed certain directions with respect to the compensation, on 15th November 2019. This was done in the presence of *Mr. Pradeep Gaur*, counsel for the appellant, and *Mr. R.K. Dhawan*, counsel for the respondents. The following aspects relating to compensation were confirmed while disposing of the appeal:

(i) The multiplier of 6 has to be applied and not 9.

(ii) Compensation towards *loss of amenities of life* was enhanced from *Rs.1,25,000/-* to *Rs.5,00,000/-*.

(iii) Compensation towards *pain and suffering* was enhanced from *Rs.1,00,000/-* to *Rs.2,00,000/-*.

(iv) Interest was awarded at the rate of 9% per annum from the date of filing of the petition till realization, except for the period from 18th May 2009 to 24th July 2010, for which no interest was payable.

7. By order dated 12th September 2022 in the cross-appeal, the Court noted that the order dated 15th November 2019 did not consider all the aspects involved in ***MAC.APP. 553/2015***, which was the appeal seeking enhancement of compensation.

8. Therefore, pleas raised by *Mr. R.K. Dhawan*, counsel for appellant, regarding enhancement shall be considered only in respect of those aspects which were not dealt with by the Coordinate Bench of this Court in its order dated 15th November 2019, considering that the said order was not appealed and has, therefore, attained finality between the parties, subject only to the assessment made with respect to the applicable multiplier.

9. Components relating to the claim for enhancement are addressed as under.

Future prospects

10. Future prospects at *15%* have been sought on the ground that the appellant was holding a permanent post with *Punjab National Bank* as a General Manager. The testimony of the claimant, **PW1**, who subsequently tendered further evidence as **PW3**, has been examined. In his testimony, he stated that, at the time of the accident, he was working at the rank of General Manager and had continued in service till attaining the age of superannuation. Though being eligible for elevation to post of Executive Director and having been called for interviews for selection on 9th January 2007 and 20th November 2007, he could not appear for both the interviews

for the higher post due to health problems on account of various surgeries which he had to go through due to the road accident in July 2005.

10.1. The certificate dated 10th June 2010, issued by *PNB Housing Finance Limited* on the letterhead of *PNB Housing Finance Limited* and signed by the Executive Vice President, exhibited as ***Ex.PW1/326*** before MACT has been perused by the Court, which confirms this view. ***Ex.PW1/327*** is a certificate issued by *PNB Housing Finance Limited certifying* that *Mr. V.K. Sood* was a permanent employee of *Punjab National Bank* at the rank of General Manager and working as Managing Director, PNB Housing Finance Limited, a subsidiary of PNB.

10.2. In fact, this Court in its assessment in ***Govind Singh Mauni*** (*supra*), considered the issue of loss of potentiality to earn post-retirement for which compensation must be taken into account. The relevant paragraphs are extracted as under:

> "*18. The essential principle follows from the House of Lords' decision in Ball v. William Hunts and Sons (supra) which is highlighted in the following extract in National Insurance Co. Ltd. v. Rajbir Singh & Ors (supra):*
>
> > *"There is also an opinion of the House of lords that may be relevant to understand this concept. Ball v. William Hunts and Sons Limited, (1912) AC 496, was the case of a workman, who was blinded in one eye. The defect was not visible and he was to have appearance as two eyed man. He had come to such a disability status when he had sustained an employment injury in which the*

defective eye had to be removed with the consequences that he could not get employment though physically he was as well as before. <u>The House of Lords held that the incapacity of work included inability to work, or in other words, there is incapacity for work when a man has physical defect which makes his working unsaleable in any market reasonably accessible to him.</u> Applying the same logic<u>, a person who has suffered an injury may not come by immediate loss if he is retained in the same employment and does not lose his job, but in his own saleability elsewhere as a fresh recruit to a new employer, he may come by a serious handicap</u>. That shall come by a serious handicap. That shall be a justification enough to provide for compensation in such types of cases."

(emphasis added)

…

28. In Ball v. William Hunt & Sons Ltd. (supra), the focus was placed on <u>'marketability of labour' rather than mere wage continuity.</u> This reasoning was expressly approved by the United States Supreme Court in New York Central Railroad Co. v. Bianc; American Knife Co. v. Sweeting, 1919 SCC OnLine US SC 210, while upholding the validity of compensation for serious disfigurement under the New York Workmen's Compensation Law<u>. The U.S. Supreme Court observed that serious physical disfigurement may</u>

reasonably and adversely affect a person's ability to obtain or retain employment, and relied upon the reasoning in Ball v. William Hunt & Sons Ltd., (supra), to underscore that diminished employability constitutes a legitimate basis for compensation, independent of immediate loss of earning power.

29. Although Ball v. William Hunt & Sons Ltd. (supra), and the American Knife Co. (supra) decision arose in the context of workmen's compensation statutes, the underlying principle is fully consonant with Indian Supreme Court jurisprudence under the Motor Vehicles Act. The Act mandates the award of "just compensation" under Section 168, which, as emphasised in National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680 and Sarla Verma v. DTC, (2009) 6 SCC 121, must be fair, realistic and proximate to the actual loss suffered. Once functional disability affecting earning capacity is established, compensation must be assessed using the multiplier method, irrespective of the fact that the claimant may have continued in service or received increments post-accident.

30. The denial of compensation for loss of future earning capacity solely on the ground that the claimant continues in employment or has not suffered immediate wage loss would be inconsistent with settled Supreme Court jurisprudence. The law recognises that economic vulnerability, reduced employability, and diminished labour-market acceptability and inability to secure employment are real and compensable consequences of permanent *disability. Comparative jurisprudence, including Ball v. William Hunt & Sons Ltd. (supra) as approved by the U.S. Supreme Court, reinforces this understanding and supports a principled, forward-looking assessment of loss of earning capacity in motor accident claims.*

31. The essence of compensation is to give reparation to an injured who has suffered great impairment in his functionality due to the negligence of the offending vehicle and the respondents. It would be, therefore, imperative that just and reasonable compensation is provided.

32. The Constitutional Bench of <u>the Supreme Court in National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680 emphasised that "just compensation" under Section 168 of MV Act must rest on fairness, reasonableness and equity, avoiding both windfall gains and inadequate awards.</u> The assessment must be grounded in proven age and income, followed by application of the appropriate multiplier as standardised in Sarla Verma v. DTC, (2009) 6 SCC 121 and affirmed in Reshma Kumari v. Madan Mohan, (2013) 9 SCC 65. <u>The Court stressed pragmatic and uniform computation, including future prospects, to ensure proximity to real loss…</u>

…

34. Applying the core mantra of aligning '<u>proximity to reality' in assessment of just compensation</u>, in this Court's opinion, the compensation in the present case needs to be reworked. If, therefore, the income is taken as Rs.29,519/-, considering that it is admitted by

> *counsels for the parties that the same ought to have been the net income, applying a 30% increase for future prospects would be the appropriate approach. This would suitably accommodate future prospects post retirement and career progression through better employment."*
>
> (emphasis added)

10.3 Accordingly, in terms of the principles laid down in ***National Insurance Company Ltd. v. Pranay Sethi*** (2017) 16 SCC 680 and in light of judgment of this Court in ***Govind Singh Mauni v. Tej Bhan & Ors.*** 2026:DHC:1020, and considering that the injured was 55 years of age at the time of the accident (his date of birth being 26th May 1950 and the accident having occurred on 24th July 2005), he would be entitled to *future prospects* of ***15%,*** which had not been granted by the MACT.

Benchmark Income

11. It is contended that the benchmark income of the appellant ought to have been taken as *Rs.46,946/-* instead of *Rs.36,250/-*. In this regard, *Mr. Dhawan*, counsel for the appellant, draws the attention of the Court to the Income Tax Certificate for Assessment Year 2006-2007 (Financial Year 2005-2006), which reflects a gross salary of *Rs.6,06,845/-* and other income of *Rs.37,800/-,* totalling the income to *Rs.6,44,645/-*. After the deduction, the net taxable income was *Rs.5,44,645/-*, which amounts to approximately *Rs.45,387/-* per month.

11.1. The injured claimant stated in his testimony that, at the time of the accident, he was drawing a salary of approximately *Rs.40,000/-* to *Rs.42,000/-* per month and was receiving *Rs.76,000/-* per month at the time of retirement. In this regard, attention is drawn to ***Ex.PW1/329***, which is a certificate issued by *PNB Housing Finance Limited*, showing the gross salary as *Rs.76,298/-* at the time of superannuation.

11.2. However, the plea of the claimant that the benchmark income ought to be assessed on the basis of the salary drawn at the time of retirement is untenable, considering that compensation is required to be assessed with as per the situation prevalent on the date of the accident.

11.3. After assessment of the grounds placed record, submissions made and the documentary evidence present on record, it is noted that in the grounds of appeal, it is stated that appellant was drawing a salary of *Rs. 36,250/-* per month, besides other allowances and perks, at the time of the accident. However, in his testimony before the Tribunal, the appellant stated that he was earning between *Rs. 40,000/- and Rs. 42,000/-* per month.

11.4. During the submissions, counsel for appellant contended that the appellant was earning a gross annual income of *Rs. 6,44,645/-*. It was submitted that the total deductions, including Provident Fund contributions, housing loan repayments, and other deductions, amounted to *Rs. 1,03,488/-,* while the income tax payable was *Rs. 1,13,394/-*. On this basis, it was contended that the appellant's annual income after deduction of tax comes out to *Rs. 5,44,645/-*.

11.5. A perusal of the income tax return exhibited as ***Ex. PW1/329*** shows that the gross annual salary of the Appellant was *Rs. 6,44,645/-,* while the income tax payable on the said income was *Rs. 1,15,662/-*. Accordingly, after deducting the income tax, the net annual income of the appellant comes to *Rs. 5,28,983/-,* which comes out to a monthly income of *Rs.*

44,082/-. Accordingly, the benchmark income of claimant is assessed at *Rs. 44,082/-*.

Medical Expenses

12. As regards medical expenses, which, as per *Mr. Dhawan*, counsel for appellant, were not considered by the MACT and were rejected on the ground that only photocopies had been filed, it is contended that the originals have been given to the Department.

12.1. In *paragraph 22* of the MACT award, it is noted that claimant claimed medical reimbursement for period 14th October 2005 till 05th May 2010 from the department as per ***Ex. PW1/327***; however, claim for a sum of Rs. *Rs. 15,10,434/-* was allowed, while, claim for *Rs.3,40,200/-* was rejected. The same was accepted and allowed by the MACT.

12.2. Appellant further filed photocopies of bills amounting to *Rs.3,39,000/-*, stating that they were covered under the medical expenses already claimed. However, six bills for *Rs.18,500/-*, *Rs.90,970/- Rs.10,600/-, Rs.1,00,111/-* and *Rs.10,000/-* were not pressed, as the same were covered under the medical expenses already claimed. The remaining photocopies of the bills amounting to *Rs.1,09,000/-* were pressed but were opposed by the Insurance Company since originals had not been produced.

12.3. Balance bills of *Rs.1,09,000/-* were rejected by MACT since the original bills were not produced.

12.4. *Mr. Dhawan*, counsel for the appellant, submits that the originals had been furnished to the Department.

12.5. In response, *Mr. Gaur,* counsel for the Insurance Company, contended that photocopies of bills cannot be accepted as proof of expenditure. He submitted that even for reimbursement under a Mediclaim policy, original bills are required to be furnished while seeking a claim; therefore, photocopies of the medical bills ought not to be considered for the purpose of awarding compensation.

12.6. After considering these bills, the Court has taken an overall assessment of the submission of parties and notes that the bills of ***Rs.1,09,000/-*** did not form a part of compensation despite being pressed by the claimant and, therefore, they can be considered, in view of the testimony of **PW1** in evidence by affidavit and the cross-examination.

Conveyance, Special Diet and Attendant charges

13. As regards conveyance, special diet, and attendant charges, the MACT noted in *paragraph 23* of the award that the claimant remained immobile for a period of 302 days. However, only *Rs. 20,000/-* each towards conveyance and special diet, while attendant charges were awarded in a lump sum amount of *Rs. 30,000/-*, were granted.

13.1. Considering that claimant has suffered *73%* permanent disability in relation to his right lower limb, as can be seen from certificate of disability issued by the Medical Board of AIIMS, New Delhi and requires consistent physiotherapy, the compensation awarded towards *Conveyance, Special Diet* and *Attendant* charges is enhanced to *Rs.1,50,000/-* each.

Functional Disability

14. Functional disability was assessed at *50%*, despite the disability certificate certifying *73%* permanent disability.

14.1. *Mr. R.K. Dhawan*, counsel for the appellant/claimant, contends that the MACT erred in assessing the functional disability at only 50%, despite the disability certificate issued by the Medical Board, AIIMS, certifying

73% permanent disability in relation to the claimant's right lower limb. It is submitted that the claimant suffered shortening of the right lower limb, resulting in severe impairment of mobility, which affected his efficiency and performance in service.

14.2. He further argues that although the claimant continued in employment and his salary remained protected as he was a permanent employee, he was deprived of promotional opportunities and could not effectively discharge the responsibilities attached to higher managerial positions requiring extensive travel and field supervision.

14.3. This Court takes into account that, by previous order, the Coordinate Bench of this Court increased the compensation on account of loss of amenities to *Rs.5,00,000/-* and for pain and sufferings to *Rs.2,00,000/-*, as noted above. This enhanced amount, in terms of the judgment, has already been paid to the injured/claimant.

14.4. Some increase in the assessment of functional disability can be considered, having regard to the nature of the permanent disability suffered by the claimant and its likely impact on his future prospects. However, the Court also has to take into account the fact that the claimant continued in service with his employer and by the time of retirement, due to the increments granted, had also received a higher remuneration.

14.5. In ***Raj Kumar v. Ajay Kumar*** (2011) 1 SCC 343, it was held that the Tribunal must assess not merely the extent of permanent disability but its actual impact on the claimant's earning capacity, which may differ from the medical percentage of disability. This requires evaluating the claimant's pre-accident vocation, the functions affected, and whether livelihood can still be earned despite the disability. No doubt, the assessment of functional disability is considered as a fraction of the permanent disability which has been certified. The Court emphasized that disability and loss of earning capacity are distinct concepts, except in cases where evidence shows they coincide. Relevant paragraphs are extracted as under:

> "***11.*** *What requires to be assessed by the Tribunal is the effect of the permanent disability on the earning capacity of the injured; and after assessing the loss of earning capacity in terms of a percentage of the income, it has to be quantified in terms of money, to arrive at the future loss of earnings (by applying the standard multiplier method used to determine loss of dependency). We may however note that in some cases, on appreciation of evidence and assessment, the Tribunal may find that the percentage of loss of earning capacity as a result of the permanent disability, is approximately the same as the percentage of permanent disability in which case, of course, the Tribunal will adopt the said percentage for determination of compensation. (See for example, the decisions of this Court in Arvind Kumar Mishra v. New India Assurance Co. Ltd. [(2010) 10 SCC 254 : (2010) 3 SCC (Cri) 1258 : (2010) 10 Scale 298] and Yadava Kumar v. National Insurance Co. Ltd. [(2010) 10 SCC 341 : (2010) 3 SCC (Cri) 1285 : (2010) 8 Scale 567])*
>
> ***12.*** *Therefore, the Tribunal has to first decide whether there is any permanent disability and, if so, the extent of such permanent disability. This means that the Tribunal should consider and decide with reference to the evidence:*
>
> > *(i) whether the disablement is permanent or temporary;*

<u>(ii) if the disablement is permanent, whether it is permanent total disablement or permanent partial disablement;</u>

<u>(iii) if the disablement percentage is expressed with reference to any specific limb, then the effect of such disablement of the limb on the functioning of the entire body, that is, the permanent disability suffered by the person.</u>

If the Tribunal concludes that there is no permanent disability then there is no question of proceeding further and determining the loss of future earning capacity. <u>But if the Tribunal concludes that there is permanent disability then it will proceed to ascertain its extent. After the Tribunal ascertains the actual extent of permanent disability of the claimant based on the medical evidence, it has to determine whether such permanent disability has affected or will affect his earning capacity.</u>

***13.** Ascertainment of the effect of the permanent disability on the actual earning capacity involves three steps. The Tribunal has to first ascertain what activities the claimant could carry on in spite of the permanent disability and what he could not do as a result of the permanent disability (this is also relevant for awarding compensation under the head of loss of amenities of life). The second step is to ascertain his avocation, profession and nature of work before the accident, as also his age. The third step is to find out whether (i) the claimant is totally disabled from earning any kind of livelihood, or (ii) whether in spite of the permanent disability, the claimant could still effectively carry on the activities and functions, which he was earlier carrying on, or (iii)*

> *whether he was prevented or restricted from discharging his previous activities and functions, but could carry on some other or lesser scale of activities and functions so that he continues to earn or can continue to earn his livelihood.*"
>
> (emphasis added)

14.6. In ***Raj Kumar*** (*supra*), the Court summarized the principles, which are extracted as under:

> "*19. We may now summarise the principles discussed above:*
>
> *(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.*
>
> *(ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, <u>the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that the percentage of loss of earning capacity is the same as the percentage of permanent disability</u>).*
>
> *(iii) <u>The doctor who treated an injured claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard to the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.</u>*
>
> *(iv) <u>The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature</u>*

<u>of profession, occupation or job, age, education and other factors</u>."

(emphasis added)

14.7. Taking into account all the facts and circumstances, including continued employment and full length of service, the functional disability will be considered at ***60%***.

<u>Multiplier</u>

15. Appellant was 55 years of age at the time of the accident, as is evident from his testimony before the MACT as well as the averments made in the claim petition.

15.1. Appellant superannuated on 31st May 2010 and was drawing emoluments of *Rs. 76,298/-* per month at the time of his retirement. The same can also be seen from the salary certificate issued by his employer, which forms part of the MACT record, as ***Ex. PW1/329***.

15.2. Further, **PW3**, claimant also deposed regarding his employment and salary he was drawing on the date of superannuation.

15.3. Moreover, a perusal of ***Ex. PW1/329*** shows that appellant's salary had, in fact, increased by the time of his retirement, thereby showing that he continued to receive regular increments and service benefits notwithstanding the injuries suffered in the accident.

15.4. It is pertinent to note that, during the course of submissions, appellant stated that he accepts the findings of the Coordinate Bench of this Court insofar as the enhancement granted under the heads of interest, pain and suffering, and loss of amenities is concerned. However, he continues to assail the adoption of multiplier of '*6*' by the Coordinate Bench.

15.5. Having considered the facts noted above, this Court is of the view that appellant did not suffer any actual loss of income at least until the date of his superannuation. The material on record demonstrates that he remained gainfully employed in a permanent position and continued to receive his regular salary and service benefits. In fact, the increase in his salary up to the date of retirement further supports the conclusion that his earning capacity remained unaffected during his service tenure. Consequently, no financial loss can be said to have accrued to him during the period of his continued service prior to retirement.

15.6. This Court ***Desh Raj Singh Gautam v. Sunil Kumar & Ors.*** 2016:DHC:4159 also noted as under:

> "*4. It is noted that the tribunal awarded lumpsum amount of ₹2 Lakh on account of loss of future income due to disability. This was not a correct approach. Admittedly, the claimant was a regular employee of MTNL. It is conceded by the counsel representing him that he would continue in service till he attains the age of 60 years and, thus, there would be no loss of income till that stage. <u>However, the loss of income post retirement will have to be appropriately computed. Since the retirement would occur at the age of 60 years, it had to be calculated with the multiplier of 9.</u> Computed thus, the loss of future earnings on account of disability to the extent of 25% would come to (₹19,000 x 25/100 x 12 x 9) ₹5,13,000/-. Since the tribunal had awarded only lupmsum of ₹2 Lakh, the award deserves to be enhanced by ₹3,13,000/-. Ordered accordingly. Needless to say, it shall carry interest as levied by the tribunal.*"

15.7 In 2024, the coordinate Bench of this Court in ***Rajbir Singh v. National Insurance Company Ltd. & Ors.*** 2024:DHC:9034, analysed this well and adverted to previous decisions and stated as under:

> "*12. However, the main question is whether he is entitled to Loss of future earning Capacity on account of Permanent Disability of 40% of right lower limb suffered by him. There is no denying that any Permanent Disability suffered by an injured, results in his reduced earning capacity or impacts his career progression, and he needs to be compensated. The pertinent aspect is whether this Court can take note of his limitation in getting a job post his retirement, as has been claimed by the Appellant. He has placed reliance on TATA AIG General Insurance Co. Ltd. vs. Dipanjan Ghosh & Ors. MAC.APP.44/2014 decided by this Court on 02.03.2016; United India Insurance Company Limited vs. Zile Singh & Ors. MAC.APPEAL No.861/2010 decided by this Court on 27.09.2017; Desh Raj Singh Gautam vs. Sunil Kumar and Ors. MAC.APP.632/2007 decided by this Court on 20.05.2016; Kale Ram vs. Ajay & Ors. MAC.APP.615/2013 decided by this Court on 18.11.2022 and Anita A. Pathak vs. Raj Bahadur & Ors. MAC. APP.466/2010 along with MAC.APP.451/2010, MAC.APP.459/2010, MAC.APP.454/2010, MAC.APP.455/2010, MAC.APP.456/2010 and MAC.APP.464/2010 decided on 15.02.2012, wherein this Court has considered that any Permanent Disability suffered by the injured may not impact his financial capacity immediately, but would definitely have an impact post his retirement and he may not be able to take up a job after post-retirement.*

13. In the judgments relied upon by the Appellant, while being cognizant that the injured was in the employment and had not suffered any salary loss, but it was considered that he may suffer some impediment in getting a job in future post his retirement which is generally at the age of 60 years, 30% enhancement of the current salary was then taken to calculate the compensation.

14. In the present case, though the injured has not adduced any evidence about the age till which he would continue in service in DAV School or that his disability would prevent him from taking up any job in future, but on the basis of the legal precedents, it is held that on his retirement, which is normally at the age of 60 years, he may not be able to take up a job post retirement.

15. The income of the Appellant has been shown as Rs.17,899/- which is rounded off to Rs.18,000/- and 30% is added to his salary towards his future increase in his salary. Multiplier of 9 is taken in accordance with the retirement age of 60 Years."

(emphasis added)

15.8 This Court has previously taken a similar view in its judgment in ***Govind Singh Mauni*** (*supra*). In this view of the matter, this Court is not inclined to accept the argument of counsel for appellant that a higher multiplier of '*11*' should be awarded.

15.9 Accordingly, in light of the decision of this Court in ***Govind Singh Mauni*** (*supra*), the multiplier is required to be re-aligned as directed by the judgment of the Co-ordinate Bench of this Court in ***MAC.APP.476/2015***. Accordingly, the applicable multiplier will be '***9***'.

16. Accordingly, the revised computation is as under:

Sr. No.	Heads	Awarded by the Tribunal	Awarded by this Court
PECUNIARY LOSS			
1.	Expenditure on Medical Bills and medical treatment (A)	Rs.3,40,200/-	Rs. 4,49,200/-
2.	Expenditure on conveyance (B)	Rs.20,000/-	Rs. 1,50,000/-
3.	Expenditure on special diet (C)	Rs.20,000/-	Rs. 1,50,000/-
4.	Attendant charges (D)	Rs.30,000/-	Rs. 1,50,000/-
5.	Income of injured (E)	Rs. 36,250/-	Rs. 44,082/-
6.	Add: Future prospects (F)	NIL	15%
7.	Multiplier (G)	9	9
8.	Functional disability (H)	50%	60%
9.	Loss of income/Wages (I) [302 days]	Rs.3,64,916/-	Rs. 4,37,680/-
10.	Loss of future income/future earnings [(E+F) x 12 x G x H] = (J)	Rs. 19,57,500/-	Rs. 32,84,990
NON-PECUNIARY LOSS			
11.	Pain and suffering (K)	Rs. 1,00,000/-	*Rs. 2,00,000/-
12.	Loss of amenities of life (L)	Rs. 1,25,000/-	*Rs. 5,00,000/-
13.	Total compensation (A + B + C + D + H + I + J+ K + L) = M	Rs.29,57,616/-	Rs. 53,21,870/-
14.	Interest awarded	7.5% per annum	9% per annum (excluding the period from 18.05.2009 to 24.07.2010)
*Awarded by this Court in the cross-appeal filed by Insurance Company.			

17. For the aforesaid reasons, compensation has been enhanced by ***Rs. 16,64,254/-*** *[Rs. 23,64,254 – Rs. 7,00,00 (awarded in cross-appeal)].*

18. Enhanced amount of *Rs.* ***16,64,254/-,*** along with interest at the rate

of *9%* per annum from the date of filing the petition (excluding the period from 18th May 2009 to 24th July 2010, as directed by this Court *vide* judgment dated 15th November 2019) shall be deposited with the Registrar General of this Court within a period of 6 weeks. It is directed that the complete deposited amount as lump sum shall be released to the claimant from the deposit of enhanced amount within a period of two weeks thereafter.

19. Revised interest on the originally awarded compensation will be calculated and the additional amount, if not already deposited, be deposited within 6 weeks and be released to the claimant.

20. Accordingly, the appeal stands disposed of with above directions.

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

22. Copy of this judgement be sent to concerned MACT.

23. Copy of this judgement shall also be sent to concerned bank.

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

ANISH DAYAL
(JUDGE)

MAY 26, 2026/*mk*/*bp*