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

\# **CNR No. DLHC010159952020**

\+ MAC.APP. 161/2020

HARBANS LAL .....Appellant

Through: Mr. Ritik Singh, Adv. for Mr. S.N. Parashar, Adv.

versus

SHYAM & ORS (NEW INDIA ASSURANCE CO LTD) .....Respondent

Through: Ms. Shuchi Singh, Adv. for R-3.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% 02.09.2026

1. This appeal has been filed seeking enhancement of compensation awarded by judgement dated 21st November 2019 passed by Motor Accident Claims Tribunal ['***MACT***'], Tis Hazari Courts in Suit No. 1023/2017, whereby compensation of *Rs.9,41,492/-* along with interest @ *7.5%* per annum was awarded.

2. *Mr. Ritik Singh*, counsel for appellant/claimant, submits that the functional disability was assessed at *85%*, as against the permanent physical disability of *85%* certified in relation to the right lower limb with knee amputation. He, therefore, seeks assessment of the functional disability at *100%*, considering the nature of the injury and the consequent impact it would have on the vocation of the injured.

3. In this regard, the Court has perused the impugned award and finds no reason to assess the functional disability at *100%*. The injury, though involving amputation of the right lower limb, cannot be said to have completely eroded or affected the overall functionality of the injured.

4. Accordingly, the plea to that extent is rejected.

5. The other argument raised by *Mr. Ritik Singh*, counsel for appellant, pertains to the notional income, which was assessed on the basis of minimum wages for an unskilled worker, despite evidence having been led by the claimant to establish that he was earning *Rs.6,448/-* per month while working as a bag maker with *Malhotra Tyre Service Company*. The claimant produced a salary certificate issued by the authorised signatory of the said company, as well as the attendance register, wherein his name appears at serial no. 4 against a salary of *Rs.6,448/-* per month.

6. In his cross-examination by the Insurance Company, nothing adverse was elicited from the claimant, who had testified as **PW-1**, and deposed that he was earning *Rs.10,000/-*per month, nor was his testimony regarding his income was rebutted.

7. In these circumstances, the income of the claimant is taken as *Rs.6,448/-* per month. Future prospects at the rate of *25%* shall also be added, considering that the claimant was 49 years of age on the date of the accident.

8. Considering that the functional disability has been assessed at *85%*, the compensation awarded towards pain and suffering at *Rs.75,000/-* is found to be inadequate. The same is, accordingly, enhanced to *Rs.1,00,000/-*.

9. Accordingly, the compensation will be revised as under:

S. no.	Heads	Awarded by the Tribunal	Awarded by this Court
PECUNIARY LOSS			
1.	Expenditure on Medical Bills and medical treatment (A)	Rs.20,903/-	Rs.20,903/-
2.	Expenditure on special diet and conveyance (B)	Rs. 75,000/-	Rs. 75,000/-
4.	Income of injured per month(D)	Rs.5,278/-	Rs.6,448/-
5.	Loss of income (E)	Rs.63,336/-	Rs.77,376/-
6.	Add: Future prospects (F)	Nil	25% of 6,448= 1,612/-
7.	Multiplier (G)	13	13
8.	Functional disability (H)	85%	85%
9.	Loss of future income/future earnings [(D+E) x 12 x G x H] = (I)	Rs. 6,99,863/-	Rs. 10,68,756/-
NON-PECUNIARY LOSS			
10.	Pain and suffering (J)	Rs. 75,000/-	Rs. 1,00,000/-
11.	Loss of amenities of life and future prospects (K)	Rs. 1,00,000/-	Rs. 1,00,000/-
12.	Total compensation (A + B + C + I+ J+ K) = (L)	Rs. 9,41,492/-	Rs. 14,42,035/-
13.	Interest awarded	7.5% per annum	7.5% per annum
14.	Enhanced compensation	**Rs. 5,00,543/-**	

1. For the aforesaid reasons, compensation has been enhanced by *Rs.5,00,543-* ['***enhanced amount***'].

2. It is therefore directed that the Insurance Company shall deposit enhanced amount along with *7.5%* interest per annum from the date of filing the petition before MACT within a period of four weeks. It is directed that a lump sum amount of *Rs. 50,000/-* shall be released to the claimants from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in

Fixed Deposit Receipts (***FDRs***) of *Rs. 15,000/-* each for periods of 1 month, 2 months, 3 months and so on, in succession as maybe calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of claimant. The amount of FDRs on maturity would be released to the Savings Bank Account of claimant upon due verification.

10. Accordingly, the appeal is disposed of.

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

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

ANISH DAYAL, J

SEPTEMBER 2, 2026/MK/*zb*