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

% ***Date of decision: 02nd July 2026***

\+ **<u>MAC.APP. 938/2013</u>**

THE ORIENTAL INSURANCE CO. LTD. .....Appellant

Through: Mr. J.P.N. Shahi, Advocate.

versus

MOHD. REHMAN & ORS .....Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

<u>JUDGMENT</u>

<u>ANISH DAYAL, J (ORAL)</u>

1. This appeal has been filed by the Insurance Company assailing the impugned award dated 12th August 2013 passed by Motor Accident Claims Tribunal, Karkardooma Courts, Delhi (‘***MACT/Tribunal’***) to reduce the compensation granted at Rs.11,38,700/- along with 7.5% interest per annum.

2. Notice was issued on 21st October 2013 and the entire amount of compensation, along with accrued interest was directed to be deposited before the Registrar General of this Court and further directions for release of 80% of the awarded amount in favour of respondent no.1/claimant were given. Balance 20% of the amount is still deposited with the Registrar General of this Court and has not been released.

3. Attempts of service to respondent no. 1/claimant have not been

successful, including Court notice to *Mr. Vijay Kumar*, Advocate, who had appeared on behalf of respondent no. 1/claimant before the MACT.

4. In this scenario, considering that the matter has been pending for almost 13 years and taking into account the observations of Supreme Court in ***Shishu Pal & Anr. v. Surjeet & Anrs.*** 2026 SCC OnLine SC 1114 particularly *paragraph nos. 23.2* and *23.3*, Court is inclined to assess the appeal of Insurance Company on its merits.

5. The accident in question occurred on 29th May 2009, when respondent no.1/claimant and one *Mr. Ganesh* were travelling in a delivery van and while crossing Section-62 Noida, a *Tavera* car bearing registration No.UP-14AL-9416 (hereinafter, '***offending vehicle***'), driven by respondent no.2 negligently and at fast speed, hit the delivery van. The van turned turtle and respondent no.1/claimant, who was 22 years of age, working as a cold drink delivery man, suffered severe injuries and remained in hospital for about three odd months.

6. He was certified with 70% permanent locomotor disability. As per the Disability Certificate, as also noted by the Tribunal, he had suffered *post traumatic paraplegia* and was engaged in labour work. Considering his vocation, the Tribunal assessed his functional disability also at 70% with respect to the whole body. Minimum wages prevalent in Uttar Pradesh at that time, were taken at Rs.3,451/- per month for assessing monthly income.

7. *Mr. J. P. N. Shahi*, counsel for appellant/Insurance Company, assails impugned award on the basis that future prospects have been granted at 50% on the basis of decision of Supreme Court in ***Rajesh v. Rajbir Singh***, (2013) 9 SCC 54, whereas the Constitutional Bench of Supreme Court in ***National***

Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 has since rationalised grant of future prospects at 40% for victims below 40 years, who were self-employed or working in a private job.

8. *Mr. Shahi*, also assails the impugned award on the basis that exaggerated amounts have been given towards non-pecuniary compensation on *pain and suffering*, *loss of amenities and enjoyment* and *loss of expectation of life*.

9. Considering that the Courts have rationalised compensation granted on account of future prospects, with respect to what has been enunciated in ***Pranay Sethi*** (*supra*), *future prospects* would be taken at *40%* of the income, which has been considered at minimum wages.

10. As regards non-pecuniary compensation, the Court does not agree with *Mr. Shahi,* counsel for appellant/Insurance Company, that it has been given in an exaggerated manner. In fact, considering the nature of injuries and that he had suffered *post traumatic paraplegia*, non-pecuniary elements of compensation necessitate an enhancement. Therefore, compensation granted towards *pain and suffering* shall be awarded at Rs. 1,50,000/-.

11. 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 (A)	Rs. 16,692/-	Rs. 16,692/-
2	Expenditure on conveyance and special diet (B)	Rs. 15,000/-	Rs. 15,000/-
3	Expenditure on attendant charges (C)	Rs. 4,000/-	Rs. 4,000/-

4	Income of injured (D)	Rs. 3,451/-	Rs. 3,451/-
5	Add: Future prospects (E)	Rs. 1,725.5/-	Rs. 1,380.4/-
6	Multiplier (F)	17	17
7	Functional disability (G)	70%	70%
8	Loss of income/Wages (H) [Rs. 3,451/- x 4]	Rs. 13,804/-	Rs. 13,804/-
9	Loss of future income/future earnings [(D+E) x 12 x F x G] = (I)	Rs. 7,39,204/-	Rs. 6,89,924/-
NON-PECUNIARY LOSS			
10	Pain and suffering (J)	Rs. 1,00,000/-	Rs. 1,50,000/-
11	Loss of amenities of life (K)	Rs. 1,00,000/-	Rs. 1,00,000/-
12	Loss of expectation of life (L)	Rs. 1,50,000/-	Rs. 1,50,000/-
13	Total compensation (A + B + C + H + I + J+ K + L) = M	**Rs. 11,38,700/-**	**Rs. 11,39,420/-**
14	Interest awarded	7.5%	7.5%

Directions

12. In view of the above computation, compensation granted towards *future prospects* has been reduced and compensation awarded towards *pain & suffering* under non-pecuniary loss has been increased. Therefore, compensation payable to respondent no.1/claimant has been enhanced by Rs.720/- [‘***enhanced amount***’] along with interest at 7.5% as awarded by the Tribunal. Therefore, enhanced amount, along with accrued interest shall be deposited before the Registrar General of this Court within a period of two weeks.

13. *Vide* order dated 21st October 2013, this Court had directed deposit of the entire amount of compensation, along with accrued interest before the Registrar General of this Court. Further, this Court directed release of 80% of the awarded amount in favour of respondent no.1/claimant as per the terms

and conditions of the impugned award and the balance amount was kept in FDRs initially for a period of six months to be renewed periodically.

14. Accordingly, it is directed that enhanced amount, along with originally deposited amount shall be released to respondent no.1/claimant, within 2 weeks upon due verification.

15. Appeal stands disposed of in the above terms.

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

17. Statutory deposit, if any, shall be refunded to appellant/Insurance Company, only if the order of deposit has been complied with.

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

(ANISH DAYAL)
JUDGE

JULY 2, 2026/ak/*sp*