

**Motor Vehicles Act, 1988, S. 166 - Compensation - Permanent disability - Functional disability - Loss of earning capacity - Manual labour - Court should be sensitive in such cases - Sustained type-3 compound fracture of the right femur, fracture of tibia, fracture of middle shaft tibia and fibula - Dr had stated that the claimant has suffered from permanent disability of 69% to lower limb - High Court took functional disability at 25% - However, while determining the disability of the claimants in motor accidents cases, this Court might be sensitive about the functional disability involved and the nature of the occupation, particularly, if the occupation involves manual labour - High Court erred in determining the functional disability on the lower side - Claimant is a vegetable vendor take his monthly income at Rs 6500 - Functional disability at 35% - Increment on future income at 50% - Multiplier at 18 - Entitled to Rs 7,37,100  $[(Rs\ 6500 \times 35/100 + 50/100 \times 35/100 \times Rs\ 6500) \times 12 \times 18]$  under the head of "loss of future income" - Cost of litigation Rs 25,000 - Pain and suffering Rs 60,000 - Medical and incidental charges Rs 1,00,000 - Loss of amenities Rs 40,000 - Future medical expenses Rs 15,000 - Total Rs 9,77,100.**

[Syed Sadiq v. United India Insurance , 2014 PLRonline 0006](#)