

\$~R-164

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

Decided on: 6th September, 2017

+ MAC.APP. 66/2010 and CM APPL.2170/2010

NEW INDIA ASSURANCE COMPANY LIMITED

.....Appellant

Through: Mr. Kanwal Chaudhary, Advocate

versus

SONU & ORS.

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The first respondent (claimant) suffered injuries in a motor vehicular accident that occurred on 11.05.2006 at about 11:30 a.m. due to negligent driving of canter bearing registration No.HR-63A-1256, which was admittedly insured against third party risk with the appellant insurance company (insurer). The injuries resulted in loss of three fingers of the left hand rendering him permanently disabled. The tribunal, by judgment dated 01.10.2009, assessed the functional disability to the extent of twenty per cent (20%) and has granted award accordingly, it inclusive of the loss of earning capacity, fastening the liability on the appellant insurer, though also granting it recovery rights against the owner of the vehicle.

2. The insurer submits that the functional disability has been over assessed.

3. Having heard the learned counsel for the appellant, this court finds no merit in the appeal. The claimant was a young man of twenty years at the threshold of entering into that stage of life where he would be expected to be gainfully employed. The loss of three fingers of the hand will undoubtedly come in the way of he acquiring the skills in the nature of typing, a career he intended to pursue.

4. In above view, the appeal is dismissed.

5. The insurance company had been directed by order dated 04.02.2010 to the deposit the entire awarded amount with upto date interest. The said amount shall now be released to the claimant in terms of the impugned award.

6. The statutory amount shall be refunded to the appellant insurance company.

7. The appeal along with accompanying application stands disposed of in above terms.

8. *Dasti.*

R.K.GAUBA, J.

SEPTEMBER 06, 2017

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