

\$~R-596

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 30th November, 2017

+ MAC. APPEAL No.989/2012

U.P. STATE ROAD TRANSPORT CORPORATION

..... Appellant

Through: Shadab Khan, Advocate for
Ms. Garima Prasad, Advocate

versus

URMILA DEVI

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant (UPSRTC) challenges the quantum of compensation in an accident claim case (MACT Suit No.703/08, Old Suit No.321/07), of the respondent (claimant), instituted on 22.08.2007 on the ground that the awards under the heads of future loss of income and artificial limb are excessive.
2. Having heard the learned counsel for the appellant, this court finds no substance in the appeal.
3. The objection to the assessment of the functional disability taken as fifty per cent (50%) is not fair since the disability certificate (Ex.P-3) confirms the amputation of the right ankle, such assessment being in accord with legislative prescription against entry Nos. 22 and

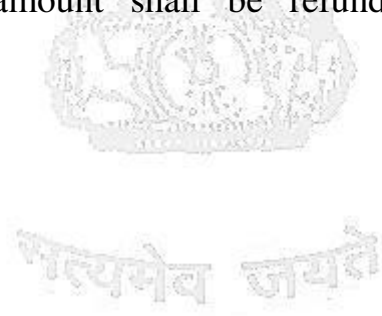
23 to the Second Part of First Schedule appended to the Employees' Compensation Act, 1923.

4. The contention that the cost of artificial limb was proved to be only in the sum of Rs.26,000/-, does not justify the reduction in the award under the said head for the reason that it is common knowledge that artificial limb once arranged will not last for life as there would be not only need for its regular maintenance but also its periodic replacement.

5. In these circumstances, the appeal is dismissed.

6. By order dated 07.09.2012, the appellant (UPSRTC) had been directed to deposit the entire awarded amount with upto date interest with UCO Bank, Delhi High Court Branch, New Delhi. The awarded amount so deposited shall now be released with upto date interest to the claimant in terms of the impugned award.

7. The statutory amount shall be refunded to the appellant UPSRTC.



R.K.GAUBA, J.

NOVEMBER 30, 2017

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