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

% **Date of Decision: 15th March, 2017**

\+ FAO 296/2016 & CM 24218/2016

RELIANCE GENERAL INSURANCE CO. LTD...... Appellant
Through: Mr.A.K. Soni, Advocate

versus

SHIV RAM & ANR. ..... Respondents
Through: Mr.Anshuman Bal, Advocate along with respondent No.1 in person.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the impugned order dated 8th March, 2016 whereby compensation of Rs.10,55,760/- has been awarded to respondent no.1.

2. On 15th April, 2013 at about 1.00 a.m., respondent no.1 was driving vehicle No.DL-1K-5350 under the employment of respondent no.2 when he met with an accident at Bhopani village near Pula, Distt. Faridabad, Haryana which resulted in grievous injuries. The right leg of respondent no.1 was amputated at below knee level which resulted in 65% permanent disability relating to the right leg. The Commissioner, Employees' Compensation took the permanent disability of respondent no.1 as 100% and awarded Rs.10,55,760/- to respondent no.1.

3. Learned counsel for the appellant urged at the time of the

hearing that the accident did not arise in the course of the employment. It is further submitted that the loss of earning capacity be taken as 65% instead of 100%.

4. Respondent no.1 is present in Court and he is unable to drive after the accident in view of the 65% permanent disability. In that view of the matter, there is no infirmity in the order of the Commissioner, Employees' Compensation taking the loss of earning capacity as 100%. So far as the relationship of employment is concerned, respondent no.2 has admitted the accident arose out of and during the course of the employment of respondent no.1.

5. The appeal and pending application are dismissed.

6. The appellant has deposited Rs.13,48,989/- with the Commissioner, Employees' Compensation. The Commissioner, Employees' Compensation is directed to instruct the concerned bank to keep Rs.12 lakh in 120 FDRs of Rs.10,000/- each for the period of 1 months to 120 months respectively with cumulative interest.

7. The balance amount, after keeping Rs.12 lakhs in FDRs, be released to respondent no.1 by transferring the same to his savings bank account No.729702010001674 with Union Bank of India, G.T.B. Nagar, 9-Hakikat Nagar, GTB Nagar, New Delhi-110009 [IFSC Code UBIN0572977].

8. All the original FDRs shall be retained by concerned bank. However, the statement containing FDR number, FDR amount, date of maturity and the maturity amount be furnished to respondent no.1.

9. The maturity amount of the FDRs along with interest shall be transferred to the savings bank account of respondent no.1 with Union Bank of India, G.T.B. Nagar, 9-Hakikat Nagar, GTB Nagar, New Delhi-110009.

10. No cheque book or debit card be issued to respondent no.1 by Union Bank of India without permission of this Court. However, in case, the debit card/cheque book have already been issued, Union Bank of India, G.T.B. Nagar, 9-Hakikat Nagar, GTB Nagar, New Delhi-110009 shall cancel the debit card and/or cheque book.

11. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

12. Respondent no.1 is at liberty to approach this Court for release of further amount in case of any financial exigency.

13. The record of the Commissioner, Employees' Compensation be returned back forthwith to enable the Commissioner, Employees' Compensation to comply with this judgment.

14. Copy of this judgment be given *dasti* to counsel for the parties under the signature of the Court.

MARCH 15, 2017 **J.R. MIDHA, J.**

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