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

% **Date of Decision: 09th March, 2017**

\+ FAO 272/2016 and C.M. Appl. 22217/2016

RELIANCE GENERAL INSURANCE CO LTD..... Appellant
Through: Mr. Rajat Brar, Advocate

versus

UMESH GIRI & ORS ..... Respondents
Through: Mr. J.P. Sikka and Mr. M.K. Rathee, Advocate for respondent No.1

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

JUDGMENT (ORAL)

1. The appellant has challenged the order of the Commissioner, Employees' Compensation whereby compensation of Rs.4,54,944/- has been awarded to respondent No.1.

2. The accident dated 27th April, 2008 resulted in grievous injuries to respondent No.1. Respondent No.1 suffered 52% disability in respect of left upper limb. The Commissioner, Employees' Compensation took the loss of earning capacity as 100% to award compensation of Rs.4,54,944/-.

3. Learned counsel for the appellant urged at the time of hearing that the compensation awarded to respondent No.1 is on a higher side and the same is liable to be reduced by reducing the loss of functional disability.

4. Respondent No.1 is present in Court and his injuries have been seen. This Court is satisfied that the functional disability of respondent No.1 is 100% as the respondent No.1 was working as a driver and the compensation awarded to respondent No.1 is just, fair and reasonable.

5. The appeal is dismissed. The appellant has deposited Rs.7,95,694/- with the Commissioner, Employees' Compensation on 31st March, 2016 out of 50% amount has already been released to respondent No.1 and Rs.4,07,666/- is lying in FDR with the Commissioner, Employees' Compensation.

6. The Commissioner, Employees' Compensation is directed to disburse the balance 50% amount by instructing State Bank of India, Tis Hazari Court Complex Branch to discharge the FDR and keep Rs.3,50,000/- in 70 FDRs of Rs.5,000/- each for the period 1 month to 70 months with cumulative interest in the name of respondent No.1.

7. The balance amount, after keeping Rs.3,50,000/-, be released to respondent No.1 by transferring the same to his savings bank account No.4810001700158290 with Punjab National Bank, Mukandpur Branch, Delhi (IFSC Code: PUNB0481000).

8. All the original FDRs shall be retained by State Bank of India, Tis Hazari Court Complex Branch. 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 shall be transferred to the aforesaid savings bank account of respondent No.1 in Punjab National Bank, Mukandpur Branch.

10. No cheque book or debit card be issued to the respondent No.1 by Punjab National Bank, Mukandpur Branch without permission of

this Court. However, in case, the debit card/cheque book have already been issued, the concerned bank shall cancel the debit card and/or cheque book.

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

12. Respondent No.1 is permitted to approach this Court for premature release of FDRs in the event of any financial exigency.

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

MARCH 09, 2017 **J.R. MIDHA, J.**

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