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

% **Date of Decision: 30th January, 2017**

+ **MAC.APP.1077/2013**

THE NEW INDIA ASSURANCE CO LTD Appellant

**Through: Mr. Shoumik Mazumdar, and
Mr. Pankaj Seth, Advs.**

versus

SHRI RAJA RAM YADAV & ORS Respondents

**Through: Mr. Waize Ali Noor, Adv. for
Mr. Kirtiman Singh, CGSC for
UOI with Sgt. Vikas Kochar,
Air Force.**

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.15,72,897/- has been awarded to respondent No.1.
2. The accident dated 24th June, 2006 resulted in grievous injuries to respondent No.1. Respondent No.1 was travelling in bus no. AS-12/3611 which over-turned which resulted in fracture of right femur and open left metatarsal laceration of foot to respondent no.1. The injuries suffered by the respondent No.1 resulted in amputation of right leg below knee. The permanent disability of respondent No.1 was assessed as 40%. Respondent No.1 working as Sergeant in Indian Air Force and he was declared medically unfit and discharged from

service.

3. The Claims Tribunal awarded Rs.1,00,000/- towards pain and suffering, Rs.1,00,000/- towards amenities of life, Rs.1,00,000/- towards disfigurement, Rs.15,000/- towards conveyance, Rs.15,000/- towards special diet, Rs.1,40,000/- towards loss of leave, Rs.22,897/- towards attendant's charges and Rs.10,80,000/- loss of future prospects. The total compensation awarded by the Claims Tribunal is Rs.15,72,897/-.

4. Learned counsel for the appellant urged at the time of hearing that the Claims Tribunal has added 50% towards future prospects which should not be taken into consideration for computing the loss of earning capacity.

5. Learned counsel for respondent No.1 submits that the future prospects have been rightly taken into consideration to compute the loss of earning capacity.

6. Vide order dated 30th November, 2016, Air Force was directed to certify the rank and salary structure which respondent No.1 would have been entitled if he had not suffered the accident and had continued the service with the Indian Air Force. Learned counsel from the office of Mr. Kirtiman Singh, learned Standing Counsel for Central Government has handed over the status report dated 30th January, 2017. As per the status report, respondent No.1 would have promoted to the rank of Master Warrant Officer if he had continued his service till superannuation. The pay structure of the various ranks have also been certified. Status report is taken on record.

7. Respondent No.1 is present in Court and his injuries have been

seen. Considering the status report placed on record by the Standing Counsel for Central Government, the finding of the Claims Tribunal with respect to the addition of 50% towards future prospects is upheld.

8. Learned counsel for respondent No.1 submits that Claims Tribunal has awarded interest @ 7.5% per annum whereas the Supreme Court as well as this Court are constantly awarding interest @ 9% per annum. There is merit in this contention urged by learned counsel for respondent No.1. The rate of interest is enhanced from 7.5% to 9% per annum.

9. There is no merit in the appeal which is dismissed. The compensation of Rs.15,72,897/- awarded by the Claims Tribunal is upheld. However, the rate of interest is enhanced to 7.5% to 9% per annum from the date of filing of the claim petition i.e. 17th April, 2010 till realisation.

10. The enhanced interest amount after adjusting Rs.25,000/- be deposited by the appellant with UCO Bank by means of a cheque in the name of UCO Bank A/c Raja Ram Yadav within four weeks. According to the calculation done by the Account Officer of this Court, appellant is liable to deposit Rs.2,74,442/-.

11. The registry shall release the statutory amount of Rs.25,000/- to respondent No.1 within four weeks.

12. Learned counsel for the respondent No.1 seeks pre-mature discharge of some FDRs for marriage of his daughter. Respondent No.1 is at liberty to file an application for pre-mature which shall be considered on merits.

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

JANUARY 30, 2017
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J.R. MIDHA, J.

