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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP. 479/2017 & CM No.19353/2017

MASTER RAJBHAN (THR NATHU HIS UNCLE AS A NATURAL
GUARDIAN AND NEXT FRIEND) Appellant

Through: Mr. Aatreya Singh and Mr. Rajiv
Kumar Trivedi, Advocates.

Versus

PRAVEEN KUMAR & ORS (THE NEW INDIA ASSURANCE
COMPANY LTD) Respondents

Through: Mr. J.P.N. Shahi, Advocate for
Respondent No.3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **22.05.2017**

The appellant impugns the Award on the ground that future prospects were not granted while computing the loss of dependency on the demise of the accident victim.

The learned counsel for the insurer, who appears on advance notice, submits that the deceased was a mobile sugarcane vendor and was not in the permanent employment. Hence, in the absence of any proof of earnings, minimum wages for an unskilled person was awarded to him.

The Court notices that on the basis of: (i) dicta of *Sarla Verma (Smt.) and others Vs. Delhi Transport Corporation and another (2009) 6 SCC 121*, (ii) the issue apropos loss of future prospects pending with the larger bench of the Supreme Court, and (iii) considering the dicta in MAC. APP.

No.189/2014 titled ***HDFC Ergo General Insurance Co. Ltd. Vs. Smt. Lalta Devi & Ors.*** (decided on 12.01.2015), the Tribunal did not grant any relief in this respect.

In the circumstances, the learned counsel for the appellant/claimant seeks liberty to re-agitate the issue should the decision on the issue go in favour of the appellant/claimant.

In view of the above, liberty is granted to the appellant to agitate the issue pursuant to the decision of the larger bench of the Supreme Court in SLP (Civil) No.16735/ 2014 titled ***National Insurance Company Limited Vs. Pushpa and others*** and related matters.

The appeal alongwith pending application stands disposed off accordingly.

NAJMI WAZIRI, J.

MAY 22, 2017

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