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

Decided on: 6th July, 2017

+ MAC.APP. 869/2016 and CM APPL.38931/2016, 38933/2016

BAJAJ ALLIANZ GENERAL INSURANCE CO LTD.

.... Appellant

Through: Mr. Rajat Brar, Advocate

versus

GUL NAWAJ NAQVI & ORS

..... Respondents

Through: Mr. Shekhar Aggarwal,
Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The first respondent sustained injuries and consequently has been found to suffer permanent disability assessed to the extent of 31% owing to the motor vehicular accident that occurred on 08.08.2013, giving rise to the cause of action for accident claim (MAC No.204/2013) decided by the Motor Accident Claims Tribunal (the tribunal) on 07.06.2016 by the impugned award. The insurance company which has been burdened with the liability to pay the compensation it concededly being the insurer of the offending vehicle, questions the computation on the two grounds; one that there was no actual loss of income and yet award has been made for loss of future earnings, and the other, that the medical evidence itself showed that in

spite of permanent disability the claimant would be in a position to carry out desk job.

2. Both the contentions are misplaced. The finding that the claimant suffered 31% permanent disability in relation to the right lower limb is not questioned. The consequent loss of functional disability thus requires to be compensated.

3. The Tribunal noted that the claimant was a serving officer in Indian Navy. It has not awarded any compensation for loss of earnings in the present because there has been no such loss. What is awarded is loss of future earnings post the assumed retirement age of 58 years. The Tribunal was careful in making those calculations with the help of multiplier of 9 which would apply to the age of 58 years.

4. The appeal is devoid of substance and is dismissed.

5. The statutory amount, if deposited, shall be refunded after proof of satisfaction of the award is shown.

JULY 06, 2017

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R.K.GAUBA, J.