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

Decided on: 30th October, 2017

+ MAC.APP. 854/2015

THE NEW INDIA ASSURANCE CO LTD Appellant
Through: Mr. Anshum Jain and Mr. Shiv
Bhalla, Advocates

versus

SONU @ SOPHIA & ORS Respondents
Through: Mr. R.K. Bachchan, Adv. for R-1

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The first respondent is a transgender who claimed that he would earn his livelihood accordingly. On his accident claim case (suit no.186/2014) instituted on 02.11.2010, he was awarded compensation in the sum of Rs.6,95,108/- for the injuries suffered in a motor vehicular accident that occurred on 02.09.2010 due to the negligent driving of a truck bearing registration no. MP-16-GA-0376 admittedly insured against third party with the appellant / insurance company (insurer). The said amount includes compensation calculated on account of the loss of earnings in future due to functional disability suffered evaluated at 35%, *inter alia*, based on the nature of avocation and the disability certificate issued by a board of doctors of Lok

Nayak Hospital, the impairment having arisen out of multiple fractures of both bones of the right leg, the disability being permanent.

2. The insurance company, by the appeal at hand, questions the assessment of functional disability stating that the tribunal did not have any evidence on which its above mentioned conclusions could be founded. This contention only needs to be noted and rejected as the conclusions of the tribunal are based on clear pleadings supported by evidence to above effect.

3. The appeal is, thus, dismissed.

4. By order dated 06.11.2015, the appellant had been directed to deposit the entire awarded amount with the Registrar General and from out of such deposit fifty percent (50%) was allowed to be released to the claimant, the balance kept in fixed deposit receipt. The Registry shall now release the balance to the claimant in terms of the impugned judgment.

5. The statutory amount shall be refunded.

R.K.GAUBA, J.

OCTOBER 30, 2017

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