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

% *Decided on: 22.11.2019*

\+ MAC.APP. 144/2019 & CM APPL. 3519/2019

SATBIR SINGH & ANR. ..... Appellant
Through: Mr. Shlok Chandra, Adv.

versus

TASLIM BEGUM & ORS ..... Respondents
Through: Mr. S.N. Parashar, Adv.

**CORAM:**
**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**NAJMI WAZIRI, J. (Oral)**

1. This appeal impugns the award of compensation dated 03.10.2018 passed by the learned MACT in MACT No. 356424/2016 on the ground that there was no proof that the deceased was a skilled workman earning Rs.20,000/- per month, as claimed by him. It is, therefore, contended that the computation of 'loss of income' should have been done on the basis of the applicable minimum wages. The Court would note that the widow of the deceased has deposed that her husband was earning about Rs. 20,000/- per month by carrying out the vocation of book binding. The learned counsel for the appellant was unable to show from the record any challenge to the said statement of the wife of the deceased either in the cross examination or otherwise. However, since there was no proof of the

husband earning the aforesaid amount, the learned Tribunal did not believe such claim. Since, a book binder possess some skill, the learned Tribunal rightly took into consideration the minimum wages applicable to a skilled worker.

2. The Court finds no reason to interfere with the said reasoning or conclusion.

3. The next argument of the learned counsel for the appellant is that compensation towards 'loss of future prospects' should have been awarded @ 10% and not @ 25% because the deceased was 50 years of age at the time of the motor accident. The argument is untenable in view of the dicta of the Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi & Ors***, (2017) 16 SCC 680, which clearly laid down that where the deceased was self employed and was between the age bracket of 40-50 years, addition of 25% would be payable towards 'loss of future prospects'.

4. In view of the above, the appeal is without merit and is accordingly dismissed.

5. The appellant submits that the entire amount has been deposited before this Court. The deposited monies, shall be released to the beneficiary(ies) of the Award in terms of the scheme of disbursement specified therein. The payments shall be released into bank accounts maintained near the place of residence of the beneficiary(ies). No cheque books shall be issued for these bank accounts. Monies shall be permitted to be withdrawn only by withdrawal slips.

6. The statutory amount, alongwith interest accrued thereon, be deposited into the 'AASRA' Fund created by this Court.

**NAJMI WAZIRI, J**

**NOVEMBER 22, 2019**

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