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

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Decided on: 06.11.2019

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MAC.APP. 165/2019

SUNIL KUMAR SINGH

..... Appellant

Through: Mr. Ravi Sabharwal, Adv.

versus

PRASADI @ VINOD & ORS (IFFCO TOKIO GENERAL
INSURANCE CO LTD)

..... Respondents

Through: Mr. Pankaj Gupta, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. The appellant impugns the award of compensation dated 10.09.2018 passed by the Ld. MACT in MAC Suit No. 166/2017 on the ground that the learned Tribunal has erred in not granting compensation towards 'loss of future prospects'.
2. The appellant was 51 years of age at the time of the motor accident. The injured has suffered 90% permanent physical impairment apropos his whole body, which has been considered by the learned Tribunal as 100% functional disability. In terms of the decision of the Supreme Court in *Parminder Singh v. New India Assurance Co. Ltd. & Ors* 2019 SCC OnLine SC 802, a young 22 year old person who suffered 100% functional disability was awarded an addition of 50% towards 'loss of future prospects'. Since in the present case, the injured fell within the age bracket of 50-60 years, therefore, in terms of the decision of the Supreme Court in *National Insurance Co. Ltd. vs. Pranay Sethi & Ors.*, (2017) 16 SCC 680, the

appellant is entitled to an addition of 10% towards “loss of future prospects. The same is granted to him.

3. Furthermore, it is argued by the learned counsel for the appellant that 'attendant charges' have not been granted. The Court is informed that the injured is in a debilitated state and is unable to carry out ordinary functions without any aid or assistance. He would require the assistance of an attendant at all times. There is no dispute apropos his abject disability. In the circumstance, an attendant ought to be made available to him round the clock for the period of his lifetime. Attendant charges shall be computed in terms of the minimum wages applicable to an unskilled workman. Presently, the same would not be available for less than Rs. 14,000/- per month. However, the learned counsel for the appellant states that the minimum wages applicable to an unskilled workman at the time of the accident ought to be taken into consideration i.e., Rs. 7,214/-, thus, the amount payable to the injured claimant would be Rs. 7,214/- x 12 (months) = Rs. 86,544/-. The said amount shall be payable to injured from the **date of the award** till attainment of the age of 60 years i.e. Rs. 6,05,976/- rounded off to Rs. 6,10,000/- shall be payable towards attendant charges.

4. The Court would note that the learned counsel for the appellant has calculated the amount of Rs. 6,10,000/- for only a period of seven years. However, the multiplier of 11 (for person in the age bracket of 50 to 60 years) ought to be made applicable while computing the amount payable toward attendant charges. Therefore, the amount payable towards the same shall be as under:

Rs. 7,214/- (minimum wage) x 12 (months) x 11 (multiplier) = Rs. 9,52,248/-.

S.No.	Particulars	Amount
1.	Loss of income/future income [Rs. 7,214/- (minimum wages applicable to an unskilled workman) x 12 (months) x 11 (multiplier) x 110/100 (loss of future prospects)]	Rs. 10,47,473/-
2.	Attendant charges	Rs. 9,52,248/-
	TOTAL	Rs. 19,99,721/-

5. The attendant charges are a reimbursement against the notified minimum wages, which are revised twice annually. Therefore, once the aforesaid compensation is exhausted against notified rates it would be incumbent upon the insurer to pay the claimant further annual charges/expenses on this account for the period of his lifetime.

6. Let the aforesaid amount of Rs. 19,99,721/- alongwith interest @9% from the date of filing of the claim petition till its realisation, be deposited before the learned Tribunal, within a period of three weeks from the date of receipt of copy of this order, to be released to the beneficiary(ies) of the award in terms of scheme of disbursement specified therein.

7. The appeal stands disposed- off in the above terms.

NAJMI WAZIRI, J

NOVEMBER 06, 2019

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