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

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Decided on: 29.08.2019

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MAC.APP. 335/2019 & CM Nos.10378/2019

ORIENTAL INSURANCE CO LTD.

..... Appellant

Through: Mr. R. K. Tripathi, Advocate.

Versus

AJAY GAUR & ORS.

..... Respondents

Through: Mr. Bhupesh Narula, Advocate for
Respondent No.1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 15.12.2018 passed by the learned MACT in MACT No. 356704/2016 on the ground that the grant of 50% towards 'loss of future prospects' is contrary to the decision of this Court in *United India Insurance Co. Ltd. vs. Pappu Deo Yadav & Ors.* MAC. APP. 520/2016 decided on 13.09.2018. However, the same is no more applicable because in view of the dicta of the Supreme Court in *Parminder Singh vs. New India Assurance Co. Ltd. & Ors.*, 2019 SCC OnLine SC 802 decided on 01.07.2019, 50% towards 'loss of future prospects' was granted to a person who had been debilitated for life.

2. Furthermore, this issue had been dealt with in the impugned order as under:-

“...

(iv) Indisputably, petitioner would also retire from Delhi Police at the age of 60 years and in case he seeks any employment after his retirement, he may face difficulty in getting a suitable job. As already stated that petitioner has sustained 21.6% permanent disability in relation to his right lower limb. Since the percentage of disability is not significant, it can safely be culled out that petitioner may not suffer a significant loss of future earning capacity due to disability caused to him in the accident. Considering the facts and circumstances of the case, loss of future earning capacity is assessed at 7%.

(v) Since petitioner was below 40 years of age at the time of accident, in view of law laid down in Pranay Sethi's case, petitioner is entitled for 50% addition in his income towards future prospects..."

3. In the present case, since there is a debilitation upto 7%, the same is granted.
4. The impugned order is modified to the aforesaid extent. Let a fresh computation be furnished by the insurer to the injured-claimant within three weeks of receipt of copy of this order. The excess amount alongwith interest accrued thereon, shall be deposited before the learned MACT within the said period for disbursement to the beneficiary of the Award in terms of the scheme of disbursement as specified therein.
5. The statutory amount of Rs.25,000/-, alongwith interest accrued thereon, shall be deposited in the 'AASRA' Fund.
6. The appeal, alongwith pending application, stands disposed-off in the above terms.

NAJMI WAZIRI, J.

AUGUST 29, 2019

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