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

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Decided on: 14.10.2019

+ **MAC.APP. 656/2018**

BHUPAL SINGH BISHT

..... Appellant

Through: Mr. Manish Maini and Ms. Hreeshika
Bhargava, Advocates.

versus

**RAJESH KUMAR YADAV & ORS (NATIONAL INSURANCE CO
LTD)**

..... Respondents

Through: Mr. Pankaj Seth, Advocate for
insurance company.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 28386/2018 (for delay of 19 days in filing)

1. This application seeks condonation of delay of 19 days in filing of the appeal.
2. For the reasons mentioned in the application, the delay is condoned.
3. The application stands disposed-off.

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4. This appeal seeks enhancement of the award of the compensation dated 11.12.2017 passed by the learned MACT in DAR No. 11266/16, *inter*

alia, on the ground that the age of the injured on the date of the motor vehicular accident was 55 years and 10 months, as is recorded in his High School Certificate (at page 229 of LCR). His UIDAI Card also shows his date of birth as 01.01.1959.

5. In the circumstances, the multiplier for the years 51 to 55 i.e. 11 would be applicable because the injured had not attained the age of 56 years ,for which multiplier of 9 would be applicable, in terms of the dicta of the Supreme Court in *Sarla Verma vs. Delhi Transport Corporation*, (2009) 6 SCC 121, as relied upon in *National Insurance Co. Ltd. vs. Pranay Sethi & Ors.*, (2017) 16 SCC 680.

6. The appellant seeks compensation for loss of income for a period of 111 days during which he was either an in-patient or was otherwise regularly visiting the hospital where he was seeking treatment. He was admittedly a salaried employee, at a monthly salary of Rs. 16,000/- but he is unable to show that he has actually suffered any loss of salary during the aforementioned period. Therefore, in the absence of any proof, the said claim cannot be granted. Therefore, the compensation granted in the impugned order, towards loss of income for 111 days, i.e., Rs. 59,000/- shall be deducted from the total amount payable to the claimant. No other relief is pressed at this stage.

7. In view of the above, the pecuniary loss payable to the appellant shall be:

Rs. 16,000/- (income) x 115/100 (future prospect) x 5/100 (functional disability) x 11 (multiplier) = Rs. 1,21,440/-

8. The enhanced amount after deduction of Rs. 59,000/- as per para 6, alongwith interest @ 9% as mentioned in the Award, shall deposited before the learned MACT within three weeks of date of receipt of copy of this order to be released to the beneficiary of the Award in terms of the scheme of disbursement specified therein.

9. The appeal is disposed-off in the above terms.

OCTOBER 14, 2019

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NAJMI WAZIRI, J



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