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

% *Decided on: 03.09.2019*

+ MAC.APP. 506/2018 & CM APPL. 22284/2018

ORIENTAL INSURANCE CO LTD

..... Appellant

Through: Mr. Ravi Sabharwal, Advocate.

versus

DR NAZHAT PARVEEN & ORS

..... Respondents

Through: Mr. Vivek Kumar Chaudhary, Mr.
Mandeep Singh and Mr. Abhinav
Bansal, Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. The appellant impugns the award of compensation on the ground that functional disability of 5% vis-a-vis a permanent disability of 8% in relation to the injury on her left lower limb is unjust and unwarranted. The argument is that the injured, a doctor in permanent employment with the Government, would not suffer any loss of income, therefore, there is no cause for grant of compensation for loss of income. The said argument is untenable because albeit in permanent employment till her age of superannuation, she may resign from the government service for better prospects. Her functional disability will always haunt and hinder her ability to discharge her professional duties. It will be limited to 95%, therefore, she ought to have been compensated for the same.

2. There is no merit in the appeal. It is accordingly dismissed.
3. The Court would note that this case has been listed 8 times, during which the respondent was represented 6 times. Accordingly, statutory amount of Rs. 25,000/- deposited by the appellant alongwith interest accrued thereon, is awarded as costs of this litigation to the respondent.

NAJMI WAZIRI, J

SEPTEMBER 03, 2019

RW

