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

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Decided on: 29.07.2019.

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MAC.APP. 731/2018

PRAKASH CHAND

..... Appellant

Through: Mr. Rajnish K. Jha, Advocate.

Versus

**MOHD KAMIL & ORS (SHRI RAM GENERAL INSURANCE
COMPANY LTD)**

..... Respondents

Through: Mr. Mohd. Mubashshir, Advocate on
behalf of Mr. Sameer Nandwani,
Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. The appellant impugns the award of compensation on the ground that it is on the lesser side. He was a driver by profession who met with an unfortunate motor vehicular accident on 01.04.2016 due to which his right leg, below the knee, was amputated. The permanent Disability Certificate issued to him by Ram Manohar Lohia Hospital on 27.09.2016 shows that the right lower limb is disabled by 70%.
2. It is not in dispute that the appellant will never be issued a license to drive a motor vehicle again, at least, not for commercial purposes, therefore, his functional disability would be 100%. In the

circumstances, he would be entitled to compensation for 100% functional disability and not 50%, as awarded by the learned Tribunal.

3. The compensation for the appellant has been computed on the basis of minimum wages applicable to an unskilled worker, whereas a driver would be considered a skilled worker and minimum wages apropos skilled workers ought to apply to the appellant. The Court would note that the accident happened in 2016 and the minimum wage applicable to a skilled worker in Delhi at that time was Rs. 11,622/-. Accordingly, the aforesaid minimum wage would be applicable to the appellant for computation of his 'loss of earnings'. He would also be entitled to an additional 50% thereon towards 'loss of future prospects' in terms of *Parminder Singh v. New India Assurance Co. Ltd.* 2019 SCC Online SC 802, decided on 01.07.2019. The claimant shall also be entitled to interest @ 9% per annum on the freshly computed compensation amount and @ 9% on the 'loss of future prospects' from 01.07.2019 i.e. the date of the *Parminder Singh* (supra) decision.
4. Let a fresh computation in this regard be made by the Insurance Company and be furnished to the appellant, within 4 weeks from the receipt of the copy of this order. The fresh computed amount shall be deposited before the learned Tribunal for disbursement to the appellant in terms of the scheme of disbursement specified therein.

5. The petition stands disposed off.
6. A copy of this order be given *dasti* to the learned counsel for the parties under signature of the Court Master.

NAJMI WAZIRI, J.

JULY 29, 2019

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