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

% *Decided on: 26.08.2019*

+ MAC.APP. 533/2017, CM APPL. 23154/2017, CM APPL. 15893/2018 & CM APPL. 15894/2018

THE UNITED INDIA INSURANCE CO LTD Appellant
Through: Mr. S.P. Jain, Mr. Himanshu Gambhir
and Mr. Ravi Gupta, Advocates.

Versus

PHOOL KUMARI & ORS Respondents
Through: Mr. Nikhil Tripathi, Advocate for
Respondent no. 1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 15894/2018

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

MAC.APP. 533/2017, CM APPL. 23154/2017 & CM APPL. 15893/2018

4. This appeal impugns the award of compensation on the ground that 76% permanent disability in relation to the claimant's left limb below the knee and amputation of all her toes in the right leg. The learned counsel for

the appellant/insurance company submits that the compensation granted to the respondent-claimant is on the higher side.

5. The claimant was employed as a security guard with Sentinels Security Pvt. Ltd. However, because of the disability as recorded hereinabove, she would never be employed as or otherwise be able to discharge her duties as a security guard in the same manner as before. In other words, her functional disability is 100%.

6. In the circumstances, her functional disability is enhanced to 100%, alongwith addition of 50% towards 'loss of future prospects' in view of the decision of the Supreme Court in *Parminder Singh vs. New India Assurance Co. Ltd. & Ors.* 2019 SCC OnLine Sc 802 decided on 01.07.2019.

7. Fresh computation shall be carried out by the appellant within three weeks from the date of receipt of copy of this order and the requisite amount shall be deposited before the learned Tribunal for disbursement in terms of the scheme of disbursement specified therein.

8. Since the victim would not be able to walk long distances with an artificial limb, in the present case, the purpose of just and fair compensation would be to optimize her rehabilitation to facilitate her movement, otherwise any compensation to the injured would be illusory and not meaningful. In the circumstance, let a motorised wheelchair be made available to the claimant, with a life time warranty, so as to reduce her dependency on an attendant, as well as to enhance her mobility and to facilitate her to utilize her time more productively. Let it be provided within three weeks from the

date of receipt of this order. The appellant has impugned the quantum of the compensation awarded for fitment of a prosthetic in the amputated leg. There is no justification for the contention. The prosthetic leg shall be of a standard good quality and shall be provided with a life time warranty through the insurer.

9. Compliance Report be filed within four weeks failing which the case shall be listed for directions before this Court.

10. Statutory amount alongwith interest accrued thereon be deposited into the 'AASRA' fund.

11. The appeal, alongwith pending applications, stands disposed-off in terms of the above.

12. A copy of this order be given *dasti* to learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

AUGUST 26, 2019

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