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

% *Decided on: 31.10.2019*

+ **MAC.APP. 915/2018**

ZAKIR HUSSAIN

..... Appellant

Through: Mr. Siddhant Gautam, Advocate.

versus

GHANSHYAM & ORS (THE ORIENTAL INSURANCE CO LTD)

..... Respondents

Through: Mr. Ravi Sabharwal, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 43029/2019 (by appellant for early hearing)

1. This application seeks early hearing of the appeal.
2. For the reasons mentioned in the application, it is allowed.
3. The next date of hearing i.e. 21.11.2019 stands cancelled.
4. The application stands disposed-off.

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5. At joint request, the appeal is taken up for disposal.
6. This appeal impugns the award of compensation dated 07.08.2018 passed by the learned MACT in Petition No. 75560/16 on the ground that the minimum wages applicable to a skilled workman has erroneously been taken as Rs. 3539/- instead of Rs. 3589.90/- as notified in the Delhi Gazette dated 31.08.2005. The said contention is valid, therefore the minimum wage

of Rs. 3589.90/- shall be considered. The impugned order stands modified to this extent.

7. It is further contended that because of the amputation of the right lower limb of the claimant, his vocation as a tailor has been discontinued and he is trying to earn a living through other modes. He was merely 25 years of age at the time of the unfortunate motor vehicular accident and he would suffer 'loss of enjoyment of amenities of life'. He would also need 'special diet', 'conveyance charges' and an attendant to assist him for the rest of his life. He walks with the help of crutches and would need an artificial limb.

8. The Court is of the view that for a person who has suffered to the extent that the appellant has, the compensation for 'pain and suffering' and 'loss of enjoyment of life' ought to be enhanced. It is so enhanced from Rs. 1,00,000/- to Rs. 2,00,000/-. For 'special diet', 'conveyance charges' and 'attendant charges', the amount of Rs. 40,000/- is enhanced to Rs.1,50,000/-. Furthermore, to optimise the mobility of the injured, he shall be provided with a comfortable prosthetic of standard quality within one month from the date of receipt of copy of this order. The said prosthetic shall have a lifetime warranty, that is, the insurer will pay for its maintenance and/or replacement throughout the life of the claimant. The insurer shall furnish the telephone nos. of two officers who could be contacted by the claimant in case of any difficulty with the prosthetic limb; the insurer shall itself enquire from the claimant about the upkeep of the said prosthetic, at least twice a year by the 5th day of each January and August and maintain records of the same.

9. In view of the above, the amount payable to the claimant is as under:

S.No.	Particulars	Amount
1.	Loss of Earnings [Rs. 3,589.90/- (minimum wages applicable to a skilled workman) x 12 (months) x 18 (multiplier) x 40% (functional disability)]	Rs. 3,10,168/-
2.	Loss of enjoyment of life	Rs. 2,00,000/-
3.	Special diet, conveyance charges and attendant charges	Rs. 1,50,000/-
	TOTAL	Rs. 6,60,168/-

10. The enhanced amount shall be payable alongwith interest @ 9% from the date of filing of the claim petition till its realization. Let the same amount be paid to the beneficiary of the Award, directly into his bank account bearing no. 9475000100052120, IFSC Code: PUNB0947500, Banmankhi, Bihar. The insurer shall verify the details of the account prior to the remittance.

11. The insurance company shall pay for the cost of travel of the claimant, from his home town to Delhi for the fitment of the aforesaid prosthetic.

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

NAJMI WAZIRI, J

OCTOBER 31, 2019/AB