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

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Decided on: 28.08.2019

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MAC.APP. 1050/2018 & CM No.49232/2018

RAJ KUMAR

..... Appellant

Through: Mr. S. N. Parashar, Advocate.

Versus

BHUPENDER SINGH & ANR (UNITED INDIA INSURANCE CO
LTD.)

..... Respondents

Through: Mr. Prashant Prakash, Advocate for
Insurance Company.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal seeks enhancement of the compensation awarded on 19.04.2018 by the learned MACT in Petition No.77552/2016 to the injured-victim of a motor vehicular accident, on the ground that he has suffered a permanent physical disability of 48% in relation to both his lower limbs. The appellant was a driver by vocation and was driving the motor vehicle, which met with an unfortunate accident. It is argued that he will never be able to drive a motor vehicle again unless it is specially designed for disabled persons, i.e., for driving without the use of legs. He would never be able to obtain a driving licence for a commercial vehicle and would not be

employed by anyone for driving a motor vehicle. Therefore, his functional disability should be considered as 100%. The Court agrees with the logic of the argument and in the specific circumstances of the case, determines the appellant's disability as 100% apropos his loss of earnings. He shall be paid compensation accordingly.

2. Additionally, the injured-claimant would be entitled to compensation of 50% towards 'loss of future prospects' in terms of para 6(i) of *Parminder Singh vs. New India Assurance Co. Ltd. & Ors.* 2019 SCC OnLine SC 802. It is so ordered. The learned counsel for the respondent – insurance company fairly submits that, indeed that is the legal position.

3. Let a fresh computation be made by the insurance company within three weeks of receipt of copy of this order and the enhanced amount, alongwith interest accrued thereon, be deposited before the learned MACT within the said period, for disbursement to the beneficiary of the Award in terms of the scheme of disbursement specified therein.

4. The appeal, alongwith pending application, stands disposed-off in terms of the above.

NAJMI WAZIRI, J.

AUGUST 28, 2019

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