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

Date of decision: 19.07.2023

+ **MAC.APP. 1038/2018 & CM APPL. 48803/2018**

AMIT GUPTA

..... Appellant

Through: Mr.Jatinder Kamra, Adv.

versus

AKIL AHMED & ORS (HDFC ERGO GENERAL INSURANCE
CO LTD)

..... Respondents

Through: Mr.Sameer Nandwani, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This appeal has been filed challenging the Award dated 03.11.2017 passed by the learned Motor Accidents Claims Tribunal-1 (Central), Delhi (hereinafter referred to as the 'Tribunal') in MACT No.357605/2016, to the limited extent that while awarding compensation for the permanent injury suffered by the appellant, the learned Tribunal has failed to grant compensation on account of future prospects.
2. The learned counsel for the appellant submits that by the Impugned Award, the learned Tribunal found that the appellant has suffered 30% permanent disability due to the loss of his left eye. The same was reduced to 20% as functional disability. The income of the



appellant was fixed at the minimum wages for a matriculate, however, while determining the total compensation, future prospects were not taken into account.

3. Placing reliance on the judgments of the Supreme Court in *National Insurance Company Limited v. Pranay Sethi & Others* (2017) 16 SCC 680 and *Pappu Deo Yadav v. Naresh Kumar & Ors.* 2020 SCC OnLine SC 752, he submits that at least 40% of income be taken towards loss of future prospects.
4. On the other hand, the learned counsel for the respondent no.3 submits that the appellant had led no evidence to show loss of future income due to the injury suffered. He submits that, therefore, the appellant is not entitled to any relief on this account.
5. I have considered the submissions made by the learned counsels for the parties.
6. In *Pranay Sethi* (supra), though in a case of death in an accident, the Supreme Court has considered the loss of future prospects as 40%, this was followed by the Supreme Court in a case of permanent disability suffered by a claimant due to an accident in *Pappu Deo Yadav* (supra) by awarding 40% of income determined towards loss of future prospects.
7. Following the above judgments of the Supreme Court, in my opinion, the appellant has made out a case for grant of 40% towards loss of future prospects.
8. Accordingly, the Impugned Award is modified to the extent that the appellant shall also be held entitled to 40% towards the loss of



future prospects. The appellant is also entitled to interest on the enhanced amount in accordance with the Impugned Award.

9. The learned Tribunal will re-determine the compensation payable to the appellant in terms of the present order.
10. Compensation so determined, shall be released in favour of the appellant in accordance with the Impugned Award.
11. The parties shall appear before the learned Tribunal on 17th August, 2023, for the purposes of re-determination of the compensation payable to the appellant.
12. The appeal is allowed in the above terms. The pending application also stands disposed of.
13. The LCR be returned to the learned Tribunal.

NAVIN CHAWLA, J

JULY 19, 2023
RN/ss