(2017) 11 DEL CK 0080

In the Delhi High Court

Case No : MAC. Appeal No. 1053 Of 2012

National Insurance Company Ltd APPELLANT

Vs

Rishi Sharma & Ors. RESPONDENT

Date of Decision : 30-11-2017

Acts Referred:

Citation : (2017) 11 DEL CK 0080

Hon'ble Judges : R.K.Gauba, J

Bench : Single Bench

Advocate : Harsh Lata, Shantha Devi Raman

Final Decision : Disposed Of

Judgement

R.K.Gauba, J

1. The appellant insurance company on which the liability to pay the compensation has been fastened in favour of the first respondent (claimant) by

the tribunal, by judgment dated 09.08.2012, passed on the accident claim case (Petition No.350/10) instituted on 01.06.2010 for compensation on

account of injuries suffered by the first respondent in a motor vehicular accident that had occurred on 04.05.2010, due to negligent driving of car

bearing registration No.DL-2CS-3083, which was admittedly insured against third party risk for the period in question with the appellant (insurer),

questions the award, which includes Rs.11,47,553/- on account of loss of future income on the functional disability assessed at 9.5% on the ground that

such inclusion was improper after factoring in the element of future prospects of increase in income to the extent of 50%.

2. The argument does not appeal to this court in view of the ruling of a Constitution Bench of the Supreme Court rendered on 31.10.2017 inS LP (C)

25590/2014, National Insurance Company Ltd. Vs. Pranay Sethi and Ors.

3. The appeal is, thus, dismissed.

4. By order dated 21.09.2012, the insurance company had been directed to deposit forty per cent (40%) of the awarded amount with proportionate

interest with UCO Bank, Delhi High Court Branch, New Delhi. By subsequent order dated 12.02.2013, the deposited amount was released to the

claimant.

5. The insurer is directed to deposit the balance of its liability with upto date interest with the tribunal within thirty days, making it available to be

released to the claimant in terms of the impugned award.

6. The statutory deposit shall be released to the insurer after the proof of award having been satisfied is shown.

7. The appeal along with pending application stand disposed of in above terms.

