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

+ **MAC.APP. 229/2025, CM APPL. 20582/2025**

THE NEW INDIA ASSURANCE CO. LTD.Appellant

Through: Mr. Himanshu Bhushan, Ms. Shagun
Srivastava, Advs.

versus

MAYUR

.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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19.09.2025

1. The present Appeal has been filed under Section 173 of the Motor Vehicle Act, 1988 seeking to challenge an Award dated 09.12.2024 passed by the learned Presiding Officer - MACT-02, Central, Tis Hazari Court, New Delhi [hereinafter referred to as "Impugned Award"]. By the Impugned Award, the learned Tribunal has awarded a sum of Rs. 18,22,147/- along with interest @ 8% p.a.

2. The learned counsel for the appellant raises two grounds of challenge, firstly, he submits that the award is not in terms of the income of the Appellant. Secondly, he submits that the learned Trial Court had recorded that the Respondent/Claimant is entitled to 40% future prospects, however, while including the amount of the future prospects, it has wrongly calculated the future prospects @ 50%. The learned counsel for the Appellant submits that the injured was 28 years old and thus 40% of the future prospects should have been awarded as is recorded in paragraph 22 of the impugned



award. The reliance is placed on the following extract:-

“22. The petitioner is also entitled to 40% future prospects as per the observations made by a Three Judge Bench of Hon'ble Supreme Court in Erudhaya Priya vs. State Express Transport Corporation Ltd. MANU/SC/0545/2020 [please see para 7(b)]. Thus, the loss of future earnings of petitioner due to his above injury and permanent disability comes to Rs.13,68,677/- (rounded off) (Rs. 4,47,280/- X 150/100 X 12/100 X 17) and the same is awarded to him as compensation under this head.”

3. The learned counsel for the Appellant submits that the correct calculation would reduce the principal awarded amount by approximately Rs. 1 lakh.
4. Issue notice limited to this aspect. On steps being taken, let Notice be issued to the Respondent/Claimant *via* all modes. *Dasti* in addition. An affidavit of service be filed within one week.
5. Subject to deposit of the entire decretal amount inclusive of up-to-date interest amount, within four weeks, the operation of the Impugned Award shall remain stayed till the next date of hearing. In the event, there is any default in depositing the amount, the interim protection granted by this Court shall automatically stand vacated.
6. Upon deposit by the Appellant, 90% of the deposited amount inclusive of up to date interest shall be released to the Respondent/claimant in accordance with scheme, as is set out in the Impugned Award.
7. List before the concerned Registrar on 04.11.2025 for completion of service.

TARA VITASTA GANJU, J

SEPTEMBER 19, 2025
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