

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10911/2006

(From the judgement and order dated 15/07/2002 in FA No.38/1998 dated 15/12/2005 in LPA No.660/2002 of The HIGH COURT OF DELHI AT N. DELHI)

BHUSHAN LAL

Petitioner(s)

VERSUS

JABBAR SINGH & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim relief and office report)
(For final disposal)

Date: 26/11/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Ms. Aruna Gupta, Adv.
Ms. Sumita Hazarika, AOR

For Respondent(s) Mr. S.J. Amith, Adv.
No.3 Ms. Kiran Suri, AOR

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

Having heard learned counsel for the parties, we do not think that the order of the High Court can be questioned to the extent of reconsidering the earning capacity on account of the petitioner having suffered twenty-five per cent permanent disability. The High Court has proceeded on the basis that the disability suffered by the petitioner in relation to the rest of his body would have affected his earning capacity to the extent of five per cent only.

However, having heard learned counsel for the petitioner, we find that in his work the petitioner has to rely on his legs and his ability to bend them to perform his work.

After having heard learned counsel for the Insurance Company as well, while not interfering with the assessment as far as percentage of permanent disability suffered by the petitioner is concerned, we are of the view that the amount as granted, first by the Tribunal and, thereafter, by the High Court, deserves to be increased on account of what has been stated herein-above.

Accordingly, while disposing of the special leave petition,

we modify the order of the High Court to the extent that instead of awarding Rs.21,000/- by way of compensation, the said amount is increased to Rs.30,000/-, together with interest at the rate of six per cent per annum from the date of the award of the Tribunal till the date of payment.

The special leave petition is disposed of accordingly.

|(Chetan Kumar)
|Court Master

| |(Juginder Kaur)
| |Assistant Registrar

|