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

% *Date of decision: 6<sup>th</sup> February, 2025*

+ **MAC.APP. 704/2019 & CM APPL. 2756/2025**

**RAJENDER SINGH**

.....Appellant

S/o Late Dalip Singh  
R/o Vill. & P.O. Khaira  
Near Chandra Gas Agency  
Najafgarh, New Delhi - 110043

Through: None

versus

1. **BAJAJ ALLIANZ GENERAL INSURANCE CO LTD**

Plot No. 7, 3<sup>rd</sup> Floor,  
Krishna Bhawan  
Janakpuri,  
New delhi-110058

.....Respondent No. 1

2. **JAI BHAGWAN (Driver)**

S/o Sh. Jage Ram  
R/o 13, Vill. & P.O. Pandwala Kalan  
Najafgarh,  
New delhi-110043

.....Respondent No. 2

3. **RAVINDER (Owner)**

S/o Sh. Girver Singh  
R/o H. No.736,  
Vill & P.O. Kapashera,  
New Delhi

.....Respondent No. 3

Through: Ms. Suman Bagga, Mr.  
Eileen Tirkey and Ms.  
Manreet Kaur, Advocates for R-1.



**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**J U D G M E N T** *(oral)*

1. The present Application under Section 152 read with Section 151 of the *Civil Procedure Code, 1908* has been filed on behalf of Respondent No. 1/Insurance Company seeking correction of the Arithmetical error in calculating “Loss of Future Earnings/Loss of Future Prospects” in paragraph 18 of judgment dated 06.12.2024, wherein while calculating the compensation towards loss of Future Prospects at 10%, the functional disability has been wrongly taken as 100% while it should have been 33% as confirmed by this court.

2. **Submissions Heard and record perused.**

3. The assessment of Functional Disability has been confirmed by this court in para 11 of the impugned judgment dated 06.12.2024. It was held as under:

*“11. Considering the nature of injuries and the Disability, the learned Tribunal has rightly taken the Functional Disability as 33%. The conclusion of the learned Tribunal does not warrant any interference.”*

4. However, while calculating “Loss of Future Prospects” in paragraph 18 of the judgment, the Functional Disability has been erroneously taken as 100% which should have been 33%. The relevant paragraph 18 is as under:

*“18. In the instant case the injured was about 56 years old, so the Appellant is entitled to future prospects at the rate of 10%. The compensation is calculated as under: -  
Income X 10% Future Prospects X 12 X Multiplier  
Rs.7,722X110/100X12X9=Rs. 9,17,373.6/-”*



5. There is an Arithmetical error in erroneously taking 100% functional disability while calculating the “Loss of Future Prospects”, when the same is confirmed as 33% in paragraph 11 of the impugned judgment dated 06.12.2024. Thus, it is directed that the “Loss of Future Prospects” be calculated on the basis of relevant Functional Disability of 33%, which is as under:

- **Annual Disability Loss**=Annual Income×Disability Percentage=93,264×0.33=Rs.30,757.12/-
- **Total Loss with Multiplier**=30,757.12×9=Rs.2,76,813.08/-
- **Future Prospects Increase**=Total Loss with Multiplier×0.10=276,813.08×0.10=Rs.27,681.31/-
- Total Loss including Future Prospects

**Rs. 2,76,813.08+Rs.27,681.31=Rs. 3,04,494.39/-**

**Relief:-**

6. The total compensation is thus modified accordingly as under:-

| S. No.                    | Heads                            | Awarded by the Tribunal | Awarded by this Court |
|---------------------------|----------------------------------|-------------------------|-----------------------|
| <b>Pecuniary Heads</b>    |                                  |                         |                       |
| 1.                        | i. Expenditure on Treatment      | Rs. 3,41,728/-          | Rs. 3,41,728/-        |
|                           | ii. Expenditure on Conveyance    | Rs.30,000/-             | Rs.50,000/-           |
|                           | iii. Expenditure on Special Diet | Rs.30,000/-             | Rs.30,000/-           |
|                           | iv. Cost of Attendant            | Rs.24,000/-             | Rs.24,000/-           |
|                           | v. Loss of Income                | Rs.46,332/-             | Rs.46,332/-           |
|                           | vi. Any other Loss               | NIL                     | NIL                   |
| <b>Non-pecuniary Loss</b> |                                  |                         |                       |
| 2.                        | i. Mental and Physical Shock     | Rs.20,000/-             | Rs.20,000/-           |
|                           | ii. Pain and Suffering           | Rs.70,000/-             | Rs,1,50,000/-         |
|                           | iii. Loss of amenities of Life   | Rs.50,000/-             | Rs.50,000/-           |
|                           | iv. Disfiguration                | NIL                     | NIL                   |



|   |   |                      |                                      |
|---|---|----------------------|--------------------------------------|
|   | v. Loss of Marriage Prospects                                 | NIL                  | NIL                                  |
|   | vi. Loss of earning, inconvenience, hardships, dejection etc. | NIL                  | NIL                                  |
| <b>Disability resulting in loss of earning capacity</b> |   |                      |                                      |
| 3.  | i. Percentage of Disability                                   | 66%                  | 66%                                  |
|   | ii. Loss of amenities   | NIL                  | NIL                                  |
|   | iii. Loss of earning capacity                                 | 33%                  | 33%                                  |
|   | iv. Loss of future income including Future Prospects          | Rs.2,77,992/-        | <b>Rs. 3,04,494.39/-</b>             |
|   | v. Loss of Future Prospects                                   | NIL                  | 10%                                  |
|   | <b>TOTAL COMPENSATION</b>                                     | <b>Rs.8,90,500/-</b> | <b>Rs. 10,20,000/- (rounded off)</b> |

7. **The modified awarded amount in the sum of Rs. 10,20,000/- along with interest @ 9% per annum be deposited within three weeks.**

8. With aforesaid modification of the Judgment dated 06.12.2024, the present Review Petition is accordingly disposed of along with pending Application.

**(NEENA BANSAL KRISHNA)  
JUDGE**

**FEBRUARY 06, 2025**

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