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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP.No.585/2008

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Date of decision: 3rd September, 2009

SONALI SHANKAR

..... Appellant

Through : Mr. Santosh Chaurihaa, Adv.

versus

SONU & ANR.

..... Respondents

Through : Ms. Manjusha Wadhwa, Adv.

CORAM :-

THE HON'BLE MR. JUSTICE J.R. MIDHA

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| 1. | Whether Reporters of Local papers may be allowed to see the Judgment? | YES |
| 2. | To be referred to the Reporter or not? | YES |
| 3. | Whether the judgment should be reported in the Digest? | YES |

JUDGMENT (Oral)

1. The appellant has challenged the award of the learned Tribunal whereby compensation of Rs.97,000/- has been awarded to the appellant. The appellant seeks enhancement of the award amount.

2. The accident dated 11th November, 2003 resulted in grievous injuries to the appellant. The appellant suffered a scar mark on her forehead up to nose. The appellant remained hospitalized for six days and thereafter resumed the job. However, the appellant could not continue the service due to the injuries and, therefore, resigned from service.

3. The learned Tribunal awarded Rs.3,000/- towards the medical expenses, Rs.30,000/- towards the pain and suffering

and loss of marriage prospects, Rs.4,000/- towards the conveyance and special diet, Rs.15,000/- towards the loss of earning and Rs.45,000/- towards the proposed plastic surgery for the scar mark on forehead. The total compensation awarded to the appellant is Rs.97,000/-

4. The appellant is present in Court and she submits that she has not undergone plastic surgery and does not propose to go for it considering the complications involved.

5. The learned counsel for the appellant submits that the amount awarded for pain and suffering and loss of marriage prospects is on a lower side. It is noted that since the appellant is not undergoing plastic surgery, the compensation of Rs.45,000/- awarded by the learned Tribunal towards the proposed plastic surgery is treated to be compensation towards the loss of marriage prospects and the compensation of Rs.30,000/- awarded by the learned Tribunal towards the compensation for pain and sufferings and loss of marriage prospects is treated as compensation for pain and suffering alone.

6. The learned counsel for the appellant submits that the appellant lost the job because of the injuries suffered by her in the accident. However, there is no evidence to this affect.

7. The appellant on query by this Court stated that she was not terminated but she resigned from service.

8. In these circumstances, no case is made out for compensation on account of the appellant resigning from service.

9. The compensation of Rs.97,000/- awarded by the learned Tribunal is just, fair and reasonable and does not call for any interference.

10. For all the aforesaid reasons, the appeal is dismissed. No costs.

11. The appellant has already received the award amount from respondent No.2.

J.R. MIDHA, J

SEPTEMBER 03, 2009
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