

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Order: May 12, 2010

+ MAC. APP. 304/2010

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Urmila
Through: Mr. S.N. Parashar, Advocate

12.05.2010
...Appellant

Versus

Surender Singh & Ors.
Through: nemo

...Respondents

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORAL

1. The present appeal has been preferred by appellant for enhancement of compensation. The appellant had received injuries in an accident that took place on 25th May, 2006. The learned Tribunal while assessing compensation awarded her a sum of Rs.20,000/- for pain and sufferings; a sum of Rs.2,000/- towards special diet, a sum of Rs.22,200/- for loss of income and Rs.5,000/- towards deprivation of enjoyment of amenities of life and general damages for the period she remained hospitalized. No compensation was given for medical treatment in view of the fact that she had not brought on record any evidence of spending anything on her treatment. She admitted in her testimony that she got treatment from Government hospital. She was a member of ESI and she remained admitted in ESI Hospital from 25th May, 2006 to 9th June, 2006. Thereafter, she took treatment as OPD patient.

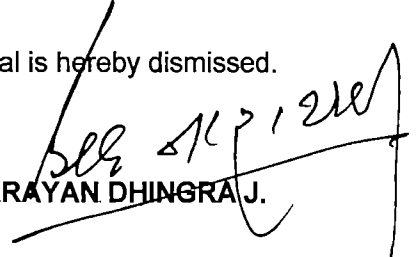
2. The order of the Tribunal has been challenged on the ground that the Tribunal

had not assessed the impact of grievous injuries on her career. It is submitted by counsel for the appellant that she was working as a computer operator in a gas agency before accident and she lost her computer operator job. The Tribunal also did not award anything towards loss of education as she was studying in B.A. final year but due to accident she could not appear for final examination.

3. I find the appeal baseless. The appellant had not brought on record vidence that she was to take examination during the period when she met with the accident and was confined to hospital. The accident took place on 25th May, 2006. Normally, all examinations of Universities are over by April every year. In any case, she had not placed on record her admission ticket, roll number, date sheet, etc to prove that she was to take examination of B.A. I, therefore, think that the Tribunal rightly did not grant any compensation for loss of studies etc. Even otherwise, being hospitalized for 21 days would not have affected her studies for next year's examination. Regarding her income, the Tribunal observed that the appellant failed to prove her monthly income by producing evidence, either oral or documentary. Thus, the Tribunal computed her monthly wages treating her skilled workman @ Rs.3700/- per month. Although, she had not placed on record a certificate that her employer had not paid her wages, still the Tribunal granted her loss of income for a period of six months. I find that the Tribunal had been generous to the appellant and the compensation awarded was not unfair or unjust.

4. I find no reason to entertain the present appeal. The appeal is hereby dismissed.

May 12, 2010
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SHIV NARAYAN DHINGRA J.