

* IN THE HIGH COURT OF DELHI AT NEW DELHI

MACA No.626/2010

Date of Decision: September 27, 2010

CHANDER KANT @ VIKAS Appellant
through Mr. S.N.Parashar, Advocate

versus

DHARAMBEET SINGH & ORS Respondents
through Mr. L.K.Tyagi, Advocate for respondent
No.3.

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

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

REKHA SHARMA, J. (ORAL)

This appeal has been preferred by the appellant against the impugned award dated February 25, 2010 on the ground that even though as per the disability certificate Exh.PW4/A, he has suffered disability of 54% in relation to his right lower limb, the learned Motor Accident Claims Tribunal has taken the over-all disability as 30% and on that basis has calculated the compensation.

The appellant is a boy of 12 years. He was a student at the time of the accident and obviously was having no income. A perusal of the impugned award shows that the Claims Tribunal in view of the

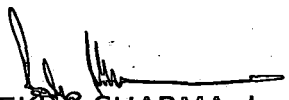
2

non-earning status of the appellant took notional income of ₹ 15,000/- as the basis for calculating the compensation payable to him and added 50% to the same towards future prospects. As regards the disability, the Claims Tribunal having regard to the fact that the accident has affected only one limb of the appellant, took the over-all functional disability as 30%. I find no infirmity in either the Tribunal taking the notional income of the appellant as ₹ 15,000/- and adding 50% to the same by way of future prospects or in taking the functional disability of the appellant as 30% vis-à-vis the whole body. However, I do feel that the appellant has not been adequately compensated under the head "loss of amenities of life". The appellant has been awarded ₹ 40,000/- under this head which I feel is on the lower side. The nature of permanent disability that he has suffered is such that it will cause him discomfort forever and will also come in his way of fully enjoying the amenities of life. Besides, he has also been permanently disfigured. I, therefore, award him a further sum of ₹ 40,000/-.

The Insurance Company is directed to pay the additional sum of ₹ 40,000/- along with interest @ 7.5% per annum from the date of filing of the claim petition till realization. However, the Insurance Company shall have the right to recover this amount from the owner and the driver of the offending vehicle.

The appeal is disposed of.

SEPTEMBER 27, 2010
ka


REKHA SHARMA, J