

* IN THE HIGH COURT OF DELHI AT NEW DELHI

MACA No.602/2010

Date of Decision: September 22, 2010

NIRMALA Appellants
through Mr. Nitin Khanna, Advocate
versus

SUNDER LAL AND ORS. Respondents
through Mr. Pankaj Seth, Advocate

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 against the award of the Motor Accident Claims Tribunal dated July 19, 2010 on the ground that the appellant who has suffered permanent disability of 42% in relation to both her legs has not been adequately compensated under the head - special diet/conveyance, attendant charges, pain and suffering and loss of amenities of life. The appellant has been awarded ₹ 5,000/-, ₹ 15,000/-, ₹ 35,000/- and ₹ 45,000/- respectively under these heads.

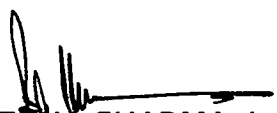
Signature Not Verified MACA No. 602/2010

Signing Date: 12.08.2024 17:00:54
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

It is submitted by learned counsel for the appellant that the appellant has intermittently remained admitted in the hospital for a total of nearly 18 months, remained under plaster for 8 months and is still on wheel chair.

Having regard to the fact that the appellant has remained admitted in the hospital from time to time for almost an year and a half and was under plaster for 8 months, I do feel that she has not been awarded just and reasonable compensation under the head – special diet/conveyance and on account of pain and suffering. Hence, compensation under these heads is increased from ₹ 5,000/- to ₹ 20,000/- and ₹ 35,000/- to ₹ 70,000/- respectively. I also feel that she has not been adequately compensated for loss of amenities of life. Accordingly, I enhance the compensation under this head from ₹ 45,000/- to ₹ 70,000/-. The total enhanced amount comes to ₹ 75,000/-. The Insurance Company is directed to pay the enhanced amount of ₹ 75,000/- to the appellant along with interest @ 7.5% per annum from the date of filing of the petition.

With this direction, the appeal is disposed of.


REKHA SHARMA, J

SEPTEMBER 22, 2010
PC.