

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

Date of decision: 5th October, 2012

+ **MAC. APP. 364/2011**

KARAM CHAND Appellant
Through: Ms. Priyanka Rana, Adv.

versus

RAM NATH & ANR. Respondents
Through Mr. S.N. Gupta, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE G.P.MITTAL

J U D G M E N T

G. P. MITTAL, J. (ORAL)

1. The Appellant Karam Chand, who was a student pursuing Masters in Social Work, seeks enhancement of compensation of ₹65,000/- awarded by the Motor Accident Claims Tribunal (the Claims Tribunal) for the injuries suffered by him, in a motor vehicle accident which occurred on 20.09.2000.
2. Since the accident took place in the vicinity of Sir Ganga Ram Hospital, immediately after the accident the Appellant was removed to the said hospital. He was found to have suffered head injury. There was a fracture of occipital bone. The Claims Tribunal found that a sum of ₹35,610/- was paid to the hospital. In addition to a sum of ₹40,000/- towards treatment, the Appellant was awarded compensation of ₹25,000/- towards pain and suffering.

3. It is urged by the learned counsel for the Appellant that the compensation awarded towards pain, shock and suffering is on the lower side. No compensation has been awarded towards special diet, conveyance charges and attendant charges.
4. The Appellant did not suffer any serious injury or any disability in respect of any limb. He was discharged from the hospital after eight days. The compensation of ₹25,000/- awarded towards pain, shock and suffering seems to be just and reasonable.
5. Since the Appellant remained in the hospital for eight days and must have taken a couple of weeks to fully recover from the injuries, I would award a lumpsum amount of ₹5,000/- towards special diet and conveyance and ₹2,500/- as attendant charges, even if gratuitous services are rendered by some or the other family member.
6. The overall compensation is thus enhanced by ₹7,500/- which shall carry interest @ 7.5% per annum from the date of filing of the Petition till its payment.
7. The enhanced compensation along with interest shall be deposited with the Claims Tribunal within six weeks and shall be released in favour of the Appellant on deposit.
8. The Appeal is allowed in above terms.
9. Pending Applications stand disposed of.

(G.P. MITTAL)
JUDGE

OCTOBER 05, 2012

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