



\$~48

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

+ **MAC.APP. 351/2022**

UNITED INDIA INSURANCE CO LTD.

.....Appellant

Through: None.

Versus

YASH AGGARWAL AND ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

01.05.2025

%

CM APPL. 9862/2025

1. The present Application under Section 152 Cr.P.C. read with Section 151 Cr.P.C. has been filed on behalf of Respondent No.1 seeking modification of Judgment dated 07.11.2024.
2. It is submitted in the Application that on account of injuries suffered by Respondent No.1, he is suffering from further complications of Hernia and Stones in Gallbladder and he has undergone two subsequent surgeries, for which he has incurred an additional expenditure of Rs.3,75,000/-. It is submitted that the amount of Rs.3,75,000/- be also granted to the Petitioner along with interest @9% per annum.
3. Pertinently, the Petitioner had been granted compensation in the sum of Rs.63,45,000/- along with interest @6% p.a. vide Award dated 21.07.2022 by the learned Motor Accident Claims Tribunal, against which the Appellant- United India Insurance Company Ltd. preferred the present

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 05/05/2025 at 14:54:03



Appeal under Section 173 of the *Motor Vehicles Act, 1988*, which has been disposed of *vide* Order dated 07.11.2024 and the amount of compensation awarded to the Appellant has been enhanced to Rs.71,20,000/- with interest @9% per annum.

4. No counter appeal had been preferred by the Applicant against the Award dated 21.07.2022, claiming additional compensation amount of Rs.3,75,000/- on account of surgeries undertaken by him for Hernia and stones in Gallbladder.

5. The surgeries for Hernia and stones in Gallbladder cannot by any stretch of imagination, be termed as a consequence of road accident. Furthermore, no such plea had been taken by the Petitioner before the Tribunal.

6. There is no merit in the present Application, which is hereby dismissed.

NEENA BANSAL KRISHNA, J

MAY 1, 2025

r