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

Date of decision: 13th April, 2015

+ **MAC.APP. 1281/2012**

THE NEW INDIA ASSURANCE COMPANY LTD.

..... Appellant

Through: Mr. Vinod Trishal, Advocate

versus

LAXMI DEVI @ LACHHO DEVI AND ORS.

..... Respondents

Through: Mr. Pramod Kumar, Advocate for
Respondent no.1.

CORAM:

HON'BLE MR. JUSTICE G.P.MITTAL

G. P. MITTAL, J. (ORAL)

1. The appeal is for reduction of compensation of Rs.1,68,268/- awarded by the Motor Accident Claims Tribunal (the Claims Tribunal) in favour of Respondent no.1 for having suffered injuries in a motor vehicular accident which occurred on 15.04.2009.
2. The compensation awarded by the Claims Tribunal under various heads is extracted hereunder:

Sl. No.	Compensation under various Heads	Awarded by the Claims Tribunal (in Rs.)
1.	Loss of Income	23,268/-
2.	Medical Expenses	15,000/-
3.	Special Diet	15,000/-
4.	Conveyance Charges	15,000/-
5.	Pain, Suffering, Inconvenience and Frustration	1,00,000/-
	TOTAL	1,68,268/-

3. Respondent no.1 met with an accident while she was returning from Maharishi Balmiki Hospital where she remained under treatment for various ailments. After the accident, Respondent no.1 was treated by the doctors of Meena Indra Hospital and Shiv Jivodya Janta Hospital on 19.04.2009. The concerned Doctor of Meena Indra Hospital had referred Respondent no.1 to Shiv Jivodya Janta Hospital. Respondent no.1 was stated to have suffered fracture of right femur. She was immobilised with 4 kg. weight initially for a period of two months. On appreciation of evidence, the Claims Tribunal found that Respondent no.1 could not join her work for a period of six months and therefore, awarded a sum of Rs.23,268/-(Rs.3,878/- x 6) towards

loss of income from selling general merchant articles. She was further awarded a compensation of Rs.15,000/- each towards expenditure on treatment and Special diet and Conveyance charges. Respondent no.1 had placed on record Bills worth Rs.5,300/-. Considering the nature of injuries, award of compensation of Rs.15,000/- towards expenditure on treatment cannot be said to be unreasonable. Similarly, considering the nature of injuries, compensation of Rs.15,000/- each towards Special diet and Conveyance charges is also just and reasonable. Taking into consideration the nature of injuries and the fracture of right femur, the award of sum of Rs.1,00,000/- towards pain and suffering, inconvenience and frustration also cannot be said to be exorbitant and excessive.

4. The appeal therefore, has to fail; the same is accordingly dismissed.
5. Pending applications also stand disposed of.
6. The statutory amount, if any, deposited shall be released to the Appellant Insurance Company.

(G.P. MITTAL)
JUDGE

APRIL 13, 2015
pst