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

Date of Decision: 23.05.2016

+ **MAC.APP. 135/2014**

AMRAO SINGH @ UMRAO SINGH Appellant

Through: Mr. Anshuman Bal, Advocate

versus

HDFC ERGO GEN. INS CO LTD & ORS Respondents

Through: Mr. Pankaj Gupta for Ms. Suman Bagga,
Advocates

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. The appellant (claimant) suffered injuries in a motor vehicular accident that occurred on 11.04.2011 on account of negligent driving of a car bearing registration no.UP-14-AJ-0856 (offending vehicle) and in the consequence was rendered (per Ex. PW1/7) to be a case of 'comminuted fracture of posterior element of D12 with paraplegic with bladder bowel involvement with permanent physical disability of 90% (Ninety percent) in relation to both lower limbs".

2. On his accident claim (MACT claim no.24/11), instituted on 25.11.2011, the Motor Accident Claims Tribunal (tribunal), by judgment dated 08.10.2013, upheld the case about injuries and disability having been suffered due to negligent driving of the offending vehicle. The said finding has attained finality as it was not further challenged.

3. By the above-said judgment, the tribunal awarded Rs.13,67,711/- as compensation with interest at the rate of 7.5% p.a. from the date of filing of the petition till realization, *inter alia*, holding the appellant to be functionally disabled to the extent of 100%. The tribunal awarded the said compensation making the assessment under the heads of loss of earning capacity due to disability, pain and suffering, medical expenses, special diet, conveyance charges, attendant charges, need for catheter, wheel chair, etc.

4. The appellant is in appeal seeking enhancement of the compensation on the ground that the award towards pain and suffering is inadequate, no award has been made on account of loss of amenities of life and finally that the rate of interest levied is on the lower side.

5. Having heard the arguments on both sides and having gone through the record, the appeal of the claimant based on the above three grounds deserves to be accepted. Keeping in view of the nature of the injuries suffered and their effect on the life of the claimant (then 64 years in age), the award towards pain and suffering is increased to Rs.1,50,000/- and an additional award of Rs.1,50,000/- on account of loss of amenities of life is added. This would result in the total compensation being increased by Rs.2 Lakhs.

6. Following the consistent view taken by this Court, the rate of interest is increased to 9% per annum from the date of filing of the petition till realization. [see judgment dated 22.02.2016 in MAC.APP. 165/2011 *Oriental Insurance Co Ltd v. Sangeeta Devi & Ors.*].

7. The insurer is directed to deposit the enhanced portion of the compensation, including on account of increased rate of interest, with the tribunal within 30 days whereupon it shall be released to the claimant in the form of fixed deposit receipt in a nationalized bank of his choice for a period of 7 years with right to draw monthly interest.

8. The appeal is disposed of in above terms.

**R.K. GAUBA
(JUDGE)**

MAY 23, 2016

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