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

% **Date of Decision: 12th August, 2016**

+ **MAC.APP. 342/2013**

RAMESH CHAND SHARMA & ANR. Appellants

Through:

versus

VIVEK GOPI NATHAN & ORS. Respondents

Through: Mr. Rahul Sharma and Mr. C.K.

Bhatt, Advocates for respondent No.4

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

C.M. Appl. 29315/2016

Issue notice to respondent No.3. Learned counsel for respondent No.3 accepts notice.

Application is allowed and the appeal is taken up for hearing today.

MAC.APP. 342/2013

1. Vide award dated 10th May, 2010, the Claims Tribunal awarded compensation of Rs.16,64,784/- along with interest @ 7.5% per annum to the appellants. The appellants are seeking enhancement of the compensation.

2. On 11th March, 2006 at about 11:30 p.m., Chandan Sharma was travelling in Opel Corsa car bearing No.DL-9CG-4687 while going from his home in Sangam Vihar to Noida. The car was being driven by respondent No.1 at that time. When car reached Noida toll road at about 11:30 p.m. the driver lost balance and the car hit the road divider resulting in grievous injuries. Chandan Sharma was taken to Kailash Hospital, Noida where he battled for his life till 20th March, 2006 when he died. A sum of

Rs.1,50,000/- was spent on his treatment. The expenses on the treatment were proved by the hospital bill, Ex.PW-1/A.

3. The deceased was survived by his parents and unmarried sister who filed the claim petition. The deceased was aged 22 years at the time of the accident and was unmarried. The Claims Tribunal awarded compensation of Rs.16,64,784/- to the appellants.

4. Learned counsel for the appellants have urged following grounds at the time of hearing of this appeal:

- (i) The medical expenses of Rs.1,50,000/- incurred on the treatment of the deceased have not been awarded by the Claims Tribunal; and
- (ii) The rate of interest of 7.5% per annum is at lower side.

5. There is merit in both the contentions raised by the appellants. The appellants are entitled to the medical expenditure of Rs.1,50,000/- incurred by them on the treatment of their son duly proved by hospital bill Ex.PW-1/A. The rate of interest @ 7.5% awarded by the Claims Tribunal is on a lower side. The Supreme Court has consistently awarded interest @ 9% per annum. Reference may be made to ***Municipal Corporation of Delhi v. Association of Victims of Uphaar Tragedy***, AIR 2012 SC 100.

6. The appeal is allowed and the amount of Rs.1,50,000/- spent on the medical expenditure on the treatment of the deceased is awarded to the appellants. Total award amount is enhanced from Rs.16,64,784/- to Rs.18,14,784/- along with interest @ 9% from the date of filing of the petition i.e. 15th May, 2006 upto the date of deposit.

7. The share of the appellants in the enhanced award amount shall be equal. The enhanced award amount be deposited by respondent No. 3 with UCO Bank, Saket Courts by means of two cheques of equal amount drawn in the name of A/c Ramesh Chand Sharma A/c No.10690110010280 and Santosh Sharma A/c No.10690110001615 within four weeks.

8. Upon deposit the appellants No.1 and 2 are permitted to withdraw the amount from their savings bank accounts without any restriction of FDR.
9. Copy of this judgement be given *dasti* to learned counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

AUGUST 12, 2016

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