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

% **Date of Decision: 04th November, 2016**

\+ MAC.APP. 987/2013 and C.M. Appl. 17339/2013

ICICI LOMBARD GENERAL INSURANCE CO. LTD ..... Petitioner

Through: Ms. Suman Bagga, Advocate

versus

KRISHNA DEVI & ORS ..... Respondent

Through: Mr. Sudeep Dey, Advocate for respondent No.1

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.7,89,335/- has been awarded to respondent No.1.

2. The accident dated 02nd January, 2010 resulted in amputation of left leg below knee of respondent No.1. The permanent disability of respondent No.1 was assessed as 75%. Respondent No.1 was aged 75 years at the time of the accident. The Claims Tribunal awarded Rs.1 lakh towards pain and suffering, Rs.1 lakh towards loss of amenities of life, Rs.1 lakh towards loss of expectation of life, Rs.83,300/- towards expenditure on treatment, Rs.30,000/- towards conveyance and special diet, Rs.1,58,620/- towards cost of artificial limb, Rs.39,530/- towards loss of income and Rs.1,77,885/- towards loss of earning capacity. The total compensation awarded is Rs.7,89,335/-.

3. Learned counsel for the appellant urged at the time of hearing that the compensation awarded by the Claims Tribunal is on higher side and it warrants reduction. Learned counsel for the appellant further submitted that the penal interest of 12% be set aside since the appellant had challenged the impugned award before this Court.

4. This Court is of the view that the compensation awarded to respondent No.1 is just, fair and reasonable and does not warrant any reduction. However, the penal interest of 12% imposed by the Claims Tribunal is set aside.

5. The appeal is allowed to the extent that penal interest of 12% is set aside. However, the award of Rs.7,89,335/- @ 9% per annum from the date of filing of petition till realisation is upheld.

6. The appellant has deposited the entire award amount with the Registrar General of this Court in terms of the order dated 01st November, 2013 out of which 50% amount has been released to respondent No.1 and the balance amount is lying in fixed deposit.

7. Respondent No.1 has expired during the pendency of this appeal on 19th August, 2013 and has been substituted by her husband, Kanwar Bhan, and other legal representatives.

8. The Registrar General is directed to disburse the balance amount by instructing UCO Bank, Delhi High Court Branch to discharge the FDR and release 50% of the amount lying in FDR to Kanwar Bhan by transferring the same to his savings bank account No.10868413304 with State Bank of India, the Mall, Karnal, IFSC Code No.SBIN0000665.

9. The balance 50% of the amount be kept in an FDR in the name

of Kanwar Bhan for a period of one year.

10. The monthly interest on the FDR shall be credited to the savings bank account of Kanwar Bhan.

11. At the time of maturity, the fixed deposit amount shall be credited in the savings bank account of the beneficiary.

12. The original FDR shall be retained by UCO Bank, Delhi High Court Branch. However, the photocopy of the same shall be provided to the beneficiary.

13. No cheque book or debit card be issued to the beneficiary without permission of this Court.

14. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

15. Kanwar Bhan shall approach the UCO Bank, Delhi High Court Branch for completing the formalities for the disbursement of the award amount in terms of this order.

16. The UCO Bank, Delhi High Court Branch shall ensure that the savings bank account of Kanwar Bhan is individual savings bank account and not joint account.

17. The statutory amount be refunded back to the appellant.

18. Pending application is disposed of.

19. Copy of this judgment be given *dasti* to learned counsels for the parties under signature of Court Master.

NOVEMBER 04, 2016 **J.R. MIDHA, J.**

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