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

% **Date of Decision: 6th September, 2016**

+ MAC.APP. 491/2016 and C.M. Appl. 23858/2016

THE NEW INDIA ASSURANCE CO LTD Appellant

Through: Mr. Pankaj Seth, Advocate
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BACCHU SINGH & ORS Respondents

Through: Mr. Nitin Yadav, Advocate

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.80,40,646/- along with interest @ 9% per annum has been awarded to respondent No.1.

2. The accident dated 30th March, 2011 resulted in grievous injuries to respondent No.1. Respondent No.1 suffered Bimalleolar fracture (right) ankle with fracture dislocation of 1st metatarsal and fracture neck of 1st, 2nd, 3rd and 4th metatarsal (right). The respondent No.1 was hospitalised on 30th March, 2011 where he remained admitted till 20th April, 2011 and he underwent an operation for fracture dislocation of right ankle that was subsequently managed through ORIF with K wire for 1st metacarpal treatment. The respondent No.1 suffered 30% permanent disability in relation to right lower limb.

3. The Claims Tribunal awarded Rs.2 lakh towards pain and suffering, Rs.32,822/- towards loss of income, Rs.40,000/- towards conveyance, special diet and attendant charges and Rs.50,000/- towards loss of amenities. The Claims Tribunal awarded Rs.77,17,824/- towards loss of future income due to the permanent disability. The total compensation awarded is
MAC.APP491/2016

Rs.80,40,646/-.

4. Learned counsel for the appellant has urged at the time of the hearing that the compensation awarded by the Claims Tribunal towards the loss of income is grossly excessive and exorbitant. It is stated that the compensation awarded under the other heads is also on a higher side.

5. On careful consideration of the submissions made by learned counsels for the parties, this Court is satisfied that the compensation awarded by the Claims Tribunal is highly exorbitant and it warrants reduction.

6. The appeal is allowed and the compensation of Rs.80,40,646/- is reduced to Rs.35,23,112/- along with interest @ 9% per annum.

7. As per the calculation done by the Accounts Officer, the interest on Rs.35,23,112/- from the date of institution i.e. 03rd January, 2012 to 30th August, 2016 comes to Rs.14,76,888/-.

8. The appellant has already deposited Rs.50 lakh with UCO Bank, Delhi High Court Branch which covers Rs.35,23,112/- towards principal and Rs.14,76,888/- towards interest. UCO Bank, Delhi High Court Branch is directed to keep Rs.45 lakh in fixed deposits in the following manner:

Sr. No.	Duration of FDR	<u>Respondent No.1</u> FDR amount (Rs.)
1.	1 year	4,50,000/-
2.	2 years	4,50,000/-
3.	3 years	4,50,000/-
4.	4 years	4,50,000/-
5.	5 years	4,50,000/-
6.	6 years	4,50,000/-
7.	7 years	4,50,000/-
8.	8 years	4,50,000/-
9.	9 years	4,50,000/-
10.	10 years	4,50,000/-
TOTAL		45,00,000/-

9. The balance amount after keeping FDR's for Rs.45,00,000/- be released to respondent No.1 by transferring the same to his individual savings bank account.
10. Respondents No.1 shall intimate the particulars of his savings bank account to UCO Bank, Delhi High Court Branch.
11. The monthly interest on the FDRs of respondent No.1 shall be credited in his individual savings bank account.
12. At the time of maturity, the fixed deposit amount shall be automatically credited in the individual savings bank account of the beneficiary.
13. All the original FDRs shall be retained by UCO Bank, Delhi High Court Branch. However, the photocopies of the same shall be provided to the claimant/respondent No.1.
14. No cheque book or debit card be issued to the claimant/respondent No.1 without permission of this Court.
15. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.
16. The claimant/respondent No.1 shall approach the UCO Bank for completing the formalities for the disbursement of the award amount in terms of this judgment.
17. UCO Bank, Delhi High Court Branch shall ensure that the savings bank account of respondent No.1 is individual account and not joint account.
18. CM No.23858/2016 is disposed of.
19. Copy of this judgment be given *dasti* to learned counsels for the parties under signature of Court Master.

J.R. MIDHA, J.