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

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Date of Decision: 24th October, 2016

+ **MAC.APP. 11/2016 and CM 512/2016**

SHASHANK KALRA

..... Appellant

Through: Mr. Dharmendra Sharma,
Advocate

Versus

**KSHIPRA RAWAT & ORS. (IFFCO TOKIO
GENERAL INSURANCE CO. LTD.)**

..... Respondents

Through: Ms. Suman Bagga, Mr. Pankaj
Gupta, Advocates for Respondent
No.3.

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.12,46,357/- has been awarded to the appellant. The appellant is seeking enhancement of the award amount.
2. The accident dated 9th September, 2012 resulted amputation of paw of left foot of the appellant. The disability suffered by the appellant has been assessed to be 45% in respect of left lower limb. The Claims Tribunal took the functional disability to be 23%. The Claims Tribunal awarded Rs.6,35,507/- towards loss of earning capacity, Rs.70,000/- towards pain and suffering, Rs.70,000/- towards loss of amenities and enjoyment, Rs.70,000/- towards expectation of life, Rs.25,584/- towards attendant charges, Rs.3,55,266/- towards medical bills and Rs.20,000/- towards conveyance and special diet. Total compensation awarded is Rs.12,46,357/-.

3. The appellant is present in Court and his disability has been seen. The appellant is aged 24 years and is studying in B.Com from M.K. University.
4. Considering the disability suffered by the appellant, this Court is of the view that the compensation awarded to the appellant is on the lower side and it warrants enhancement. The compensation for pain and suffering is enhanced from Rs. 70,000/- to Rs. 1,70,000/- and compensation for loss of amenities of life is enhanced from Rs. 70,000/- to Rs. 1,70,000/-. Rs. 1,50,000/- is awarded towards compensation for loss of matrimonial prospects and Rs 1,53,643/- is awarded towards disfiguration.
5. The appeal is allowed and the compensation awarded to the appellant is enhanced from Rs.12,46,357/- to Rs.18,00,000/- along with interest @ 9% per annum. The appellant present in Court is satisfied with the aforesaid enhancement.
6. The enhanced award amount be deposited by respondent no.1 with UCO Bank, Delhi High Court Branch by means of a cheque drawn in the name of UCO Bank A/c Shashank Kalra within four weeks.
7. Upon the aforesaid deposit being made, UCO Bank shall release Rs.1,00,000/- to the appellant and keep the balance amount in 10 FDRs of equal amount in the name of the appellant for the period 1 year, 2 years, 3 years, 4 years, 5 years, 6 years, 7 years, 8 years, 9 years and 10 years.
8. The monthly interest on the FDRs of the appellant shall be credited to his individual savings bank account.

9. At the time of maturity, the fixed deposit amount shall be automatically credited in the savings bank account of the appellant.
10. 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 appellant.
11. No cheque book or debit card be issued to the appellant without permission of this Court.
12. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.
13. The pending application is also disposed of.
14. Copy of this order be given *dasti* to learned counsels for the parties under signature of Court Master.

OCTOBER 24, 2016
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J.R. MIDHA, J.