

\$~R-16A

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

Decided on: 1st August, 2017

+ MAC.APP. 79/2009

MOHD. SECHU

..... Appellant

Through: Ms. Pankaj Kumari, Advocate
with Mr. S. N. Parashar,
Advocate

versus

OM PARKASH & ORS

..... Respondents

Through: Mr.D.K. Sharma, Advocate for
R-3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant had suffered injuries in a motor vehicular accident that occurred on 09.09.2005 due to negligent driving of motor vehicle described as Tata dumper bearing registration No.HR-38B-2044 which was admittedly insured against third party risk with the third respondent (the insurer) for the period in question. The injuries were grievous in nature rendering the appellant permanently disabled, the disability having been certified by a board of doctors to be forty five percent (45%) in relation to lower part of the body.

2. The Motor Accident Claims Tribunal (the tribunal) assessed the functional disability to be twenty percent (20%) and awarded compensation in the total sum of Rs.1,78,074/- and directed the

insurance company to pay with interest, the said amount inclusive of Rs.50,000/- towards pain and suffering and loss of amenities of life.

3. By the appeal at hand enhancement in the compensation is sought, the only contention urged at the hearing being that the awarded under the two heads of pain and suffering and loss of amenities of life should not have been clubbed and that the composite award is inadequate.

4. Having regard to the nature of injuries and their permanent effect on the remaining life of the appellant, he being 49 years old at the date of accident, the compensation of Rs.50,000/- awarded by the tribunal is treated as compensation towards pain and suffering only and Rs.50,000/- is added as compensation towards loss of amenities of life.

5. Thus, there would be net increase of Rs.50,000/- in the compensation, which shall carry interest @ 9% per annum from the date of filing of the appeal till realization.

6. The insurance company is directed to pay the enhanced compensation by requisite deposit with the Tribunal within thirty days.

7. Appeal is disposed of in above terms.

R.K.GAUBA, J.

AUGUST 01, 2017

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