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

Decided on: 13th September, 2017

+ **MAC APPEAL No. 220/2010**

MANOJ KUMAR Appellant

Through: Mr. O.P. Mainee, Adv.

Versus

DHARAMBIR SINGH & ORS. Respondents

Through: Mr. Pankaj Seth, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant while riding on TVS scooty bearing registration no. DL 8S/NA-0310, on the pillion, on 21.11.2006, suffered grievous injuries due to motor vehicular accident that was caused on account of negligent driving of Santro car bearing registration no. DL 4CJ 0966, admittedly insured against third party risk with third respondent (insurer). On his claim petition (petition no. 930/2008), which was clubbed for inquiry with another claim case arising out of the same accident, the tribunal, by judgment dated 15.12.2009, awarded

compensation in the total sum of Rs. 85,000/-, which includes Rs. 52,000/- towards medical expenses and Rs. 20,000/- on account of pain & suffering. The insurance company was directed to pay with interest @ 7.5% per annum.

2. Aggrieved with the award, arguing that it was inadequate, the present appeal was filed seeking enhancement.

3. At the hearing, the appeal is pressed only to seek enhanced awards under the head of medical expenses and pain & suffering, it being pointed out that the appellant had suffered injuries that included compound segmental fracture of both bones of right leg, fracture proximal phalanx (right), profuse bleeding and abrasions and blunt injuries all over the body, resulting in nail and wire being used as implants to fix and treat the fracture bones. It is pointed out that the evidence of the claimant (PW-1), on the strength of his affidavit (Ex.PW-1/A) about the removal of implants requiring additional cost minimum of Rs. 15,000/- had remained unchallenged but not covered by the award granted by the tribunal.

4. In the above facts and circumstances, the prayer being justified, Rs. 15,000/- is added on account of additional medical expenses and the award under the head of pain & suffering is increased to Rs.60,000/-. This would result in total enhancement of the award by Rs. 55,000/-. (Rupees Fifty Five Thousand only)

5. It is directed that the enhanced portion of the award will carry interest @ nine per cent (9%) per annum from the date of filing of the petition till realization. The third respondent (insurance company) is

directed to satisfy the award, as modified, by requisite deposit with the tribunal within thirty days.

6. The appeal is disposed of in above terms.

R.K.GAUBA, J.

SEPTEMBER 13, 2017

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