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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 24th July, 2017

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MAC APPEAL No. 448/2012

NEERAJ CHAMOLI

..... Appellant

Through: Mr. S.N. Parashar, Adv.

versus

YASHPAL & ORS.

..... Respondents

**Through: Mr. Ramesh Kumar and Ms.
Tanu Priya, Advs. for R-1.
Mr. Pravesh Thakur, Adv. for
R-2.**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant had suffered injuries in an accident on 03.07.2008 involving the truck bearing no. DL 1GB 5392, driven by the first respondent, it being registered in the name of the second respondent (it now represented by East Delhi Municipal Corporation after trifurcation). At the time of accident, the appellant was 23 years' old, a bachelor, working as computer operator with a private entity. The injuries suffered included fracture of humerus bone with fracture of radius bone and brachial artery injury. This required prolonged treatment. The injuries have rendered him permanently disabled, the disability having been proved, on the basis of disability certificate (Ex.PW-1/178), to the extent of 62% in relation to the right upper

limb. The tribunal found the functional disability to be to the extent of 30% and on that basis awarded compensation inclusive of loss of future income. The total amount awarded by the impugned judgment dated 06.05.2011 is Rs. 13,08, 200/- with interest @ 7.5% per annum, fastening the liability on the respondents.

2. By the appeal at hand, the appellant presses for enhancement restricted to the award on pecuniary heads granted in the sum of Rs. 50,000/- each towards pain & suffering, curtailment of enjoyment of life and reduction of marriage prospects besides seeking enhancement of rate of interest.

3. Having regard to the nature of injuries suffered and the prolonged treatment undergone, as indeed the disability which would last the life of the claimant, the award on account of pain & suffering is increased to Rs. 1,50,000/- and the awards under the other two heads i.e. enjoyment of life and marriage prospects are increased to Rs. 1 lakh each. In the result, there would be net increase of Rs. 2 lakhs.

4. Following the consistent view taken by this Court [see judgment dated 22.02.2016 in MAC.APP. 165/2011 *Oriental Insurance Co Ltd v. Sangeeta Devi & Ors.*], the rate of interest is increased to 9% per annum from the date of filing of the petition till realization.

5. The second respondent (East Delhi Municipal Corporation) is directed to satisfy the enhanced award by requisite deposit with the tribunal within 30 days, making it available to be released to the claimant.

6. The appeal is disposed of in above terms.

R.K.GAUBA, J.

JULY 24, 2017

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