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

Decided on: 20th September, 2017

+ **MAC APPEAL No. 560/2010**

SANTOSH KUMAR YADAV

..... Appellant

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

versus

MUKESH & ORS.

..... Respondents

Through: Mr. Pankaj Seth, 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 12.10.2006 at about 7:50 p.m. due to negligent driving of bus bearing registration No.DL-1PB-3729, admittedly insured against third party risk with the third respondent (insurer) for the period in question. His right arm above elbow was amputated and he was rendered permanently disabled, such conditions having been certified by board of doctors (vide Ex.PW-1/21) to be eighty four per cent (84%) in relation to the said right upper limb. On his claim petition (Suit No.13/09/06) instituted on 30.10.2006, the tribunal after inquiry, by judgment dated 11.07.2009, held that he had been rendered functionally disabled to the extent of 100%. The

compensation was granted in the total sum of Rs.8,55,410, calculating it thus:-

Sl. No.	Head	Amount (in Rs.)
1.	Compensation for the expenses on medical treatment	3,390/-
2.	Compensation for conveyance and special diet	12,000/-
3.	Compensation for loss of future income	7,15,020/-
4.	Compensation on marriage prospects	50,000/-
5.	Compensation for pain and suffering and loss of amenities of life	75,000/-
	Total	8,55,410/-

2. The appeal seeking enhancement is pressed at the hearing only to submit that the composite award of Rs.75,000/- under the head of compensation for pain and suffering and loss of amenities of life was inadequate.

3. Given the nature of injuries sustained and the aftermath suffered, the grievance appears to be correct. There shall be separate awards of Rs.1,00,000/- each under the heads of compensation for pain and suffering on one hand and loss of amenities of life on the other. This would mean the award of compensation would stand increased by Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only). It shall carry interest as levied by the tribunal.

4. Ordered accordingly.

5. The third respondent (insurer) is directed to satisfy the enhanced award with corresponding interest by requisite deposit with the tribunal within thirty days, making it available to be released to the appellant/claimant, it to be released in the form of fixed deposit receipt taken out from a nationalized Bank for a period of seven years with liberty to draw periodic interest.

6. The appeal is disposed of in above terms.

SEPTEMBER 20, 2017

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R.K.GAUBA, J.