

\$~R-207

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

Decided on: 14th September, 2017

+ **MAC APPEAL 332/2010**

RAM HARAK

..... Appellant

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

versus

**THE MUNICIPAL CORPORATION OF
DELHI**

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant having been injured in a motor vehicular accident that occurred on 11.11.2001 due to the negligent driving of a motor vehicle described as Tata bearing registration no.DL-1GB-2824 of the first respondent, had instituted accident claim case (petition no.45/09) on 08.09.2006 seeking compensation. At the inquiry, he proved that he had been rendered permanently disabled, his disability having been certified (Ex. PW1/18) by a board of doctors of Guru Tegh Bahadur Hospital, Delhi, to be to the extent of 25% in relation to right upper limb, this arising out of multiple fractures that had been suffered on his right hand and leg besides other injuries all over the body.

2. The Motor Accident Claims Tribunal (Tribunal), accepted the claim for compensation, by the impugned judgment dated 26.10.2009 determining it as under :-

Actual and estimated medical expense	Rs.8,000/-
Loss of actual income (Rs.2592 x 12 months)	Rs.31,104/-
Loss of future income (Min wage i.e. 2592 x 12 x 15 x 25%)	Rs.1,16,640/-
Pain and suffering	Rs.25,000/-
Conveyance and Spl. Diet + attendant (5000 + 4000)	Rs.9,000/-
Loss of future amenities of life	Rs.25,000/-
Total	Rs.2,14,744/-

3. The liability to pay the compensation was fastened on the respondent.

4. By the appeal at hand, the grievance raised is that the disability in the aforementioned facts and circumstances should have been treated as 100% since the claimant was a vegetable vendor and on account of the disability he is unable to carry on with the said avocation. The claimant also prays for enhanced compensation under the heads of pain and suffering and loss of amenities of life.

5. The contention about the functional disability cannot be accepted. Given the nature of injuries noted above and the medical opinion, the assessment by the tribunal on this account is fair. However, having regard to the above noted facts and the prolonged treatment undergone, the awards under the heads of pain and suffering and loss of amenities of life are increased to Rs.50,000/- each. This would mean the award would stand increased by Rs.50,000/- (Rupees

Fifty thousand only). Ordered accordingly. The enhanced portion of the award will carry interest at the rate of 9% p.a. (nine percent) from the date of filing of the petition.

6. The respondent is directed to pay the enhanced portion of the award with corresponding interest to the claimant by requisite deposit with the tribunal. The tribunal shall release it to the claimant in the form of fixed deposit receipt taken out from a nationalized bank for a period of five years with right to draw periodic interest.

7. The appeal is disposed of in above terms.

SEPTEMBER 14, 2017

yg

R.K.GAUBA, J.



सत्यमेव जयते