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

Decided on: 28th July, 2017

+ **MAC APPEAL No. 298/2008**

CHANDRA VIR SINGH YADAV Appellant

Through: Mr. Vijay Kumar, Adv.

Versus

NATIONAL INSURANCE CO. LTD. & ORS. Respondents

Through: Mr. Manoj R. Sinha, Adv. for
R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant, then 16 years old, suffered injuries in a motor vehicular accident that occurred on 05.08.2003, involving rash driving of truck bearing no. HR 38 B 3227, which was admittedly insured against third party risk with the first respondent (insurer). On his claim petition (suit no. 579/2003) in which, besides the insurer, driver and owner of the truck were impleaded, the tribunal, held inquiry and, by judgment dated 28.11.2007, awarded compensation in the sum of Rs. 4,72,100/-, computing it thus:-

Nature of injuries and reimbursement

of medical bills

Rs. 500/-

Pain and sufferings:

Rs. 55,000/-

Loss of income

Rs. 5,600/-

Permanent disability

Rs. 4,01,000/-

Conveyance and special diet
Total

Rs. 10,000/-
Rs. 4,72,100/-

2. The insurer was directed to pay the said compensation with interest @ 9 % per annum.
3. The appeal was filed seeking enhancement of compensation. At the hearing, it is pressed only to point out that the awards under the heads of non-pecuniary damages are inadequate. It is pointed out that only Rs. 55,000/- was awarded towards pain & suffering, the said amount being inclusive of loss of amenities of life and no amount was awarded towards loss of marriage prospects and towards disfigurement.
4. It is noted that as a result of the accident, the left upper limb of the petitioner had been crushed and had to be amputated. The functional disability has been assessed by the tribunal to the extent of 75%. In these circumstances, indeed the award under the non-pecuniary heads of damages are not properly taken care of. It is, thus, directed that besides the award of Rs.55,000/- towards pain & suffering, there shall be an award of Rs. 1 lakh towards loss of amenities of life with Rs. 50,000/- each added towards loss of marriage prospects and on account of disfigurement. This would mean increase in the award by Rs. 2 lakhs. Needless to add, it shall carry interest as levied by the tribunal. The award is modified accordingly.
5. The insurance company is directed to satisfy the enhanced award by requisite deposit with the tribunal within 30 days whereupon it shall be put in fixed deposit interest bearing account in a

nationalized bank in the name of the appellant for a period of seven years and released to him accordingly.

6. The appeal is disposed of accordingly.

7. *Dasti.*

R.K.GAUBA, J.

JULY 28, 2017

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