

\$~R-352

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

Decided on: 24th October, 2017

+ **MAC APPEAL No. 521/2011**

DEV CHAND THAKUR Appellant

Through: None.

versus

ORIENTAL INSURANCE COMPANY LIMITED & ORS.

..... Respondents

Through: Mr. Rahul Ranjan Verma, Adv.
for R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant suffered injuries in a motor vehicular accident that occurred on 22.07.2009 due to negligent driving of motor vehicle described as DL 1Q 0148 admittedly insured against third party risk with the first respondent (insurer) for the period in question. On his accident claim case (suit no. 500/2009), by judgment dated 28.02.2011, the tribunal awarded compensation in the total sum of Rs. 1,23,351/-, fastening the liability on the insurer to pay.

2. The appeal seeking enhancement was brought on the ground that the loss of income for seven months should have been compensated as the claimant had remained under treatment for such period. The tribunal has calculated it only for four months. It is also

the contention of the appellant that the awards in the sum of Rs. 20,000/- towards pain & suffering and Rs. 10,000/- for loss of amenities of life are inadequate against the backdrop of the medical opinion that he has been rendered disabled in the right lower limb to the extent of 6% (six percent).

3. Both the contentions must be accepted. In the face of evidence of the treatment for seven months, the award under the head of loss of income is increased by $(3,934 \times 3)$ Rs. 11,802. Similarly, the non-pecuniary damages under the heads of pain & suffering and loss of amenities are increased to Rs. 50,000 and Rs. 30,000/- respectively. This would mean net increase in the award by Rs. $(11,802 + 30,000 + 20,000)$ Rs. 61,802/- (Rupees One Lakh Eighty Six Thousand Only).

4. Thus, the total award is increased to $(1,23,351 + 61,802)$, Rs. 1,85,153/-, rounded off to Rs. 1,86,000/- (Rupees One Lakh Eighty Six Thousand Only).

5. The insurer shall satisfy the enhanced award by requisite deposit along with interest with the tribunal, making it available to be released to the claimant.

6. The appeal is disposed of in above terms.

R.K.GAUBA, J.

OCTOBER 24, 2017

nk