$~R-372

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

Decided on: 30th October, 2017

\+ MAC APPEAL No. 664/2011

OM PRAKASH@ SONU ..... Appellant
Through: Mr. S.N. Parashar, Adv.

versus

RAM MEHAR & ORS. ..... Respondents
Through: Mr. R.K. Tripathi, Adv. for insurance company.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. On the accident claim case (suit no. 50/2004) instituted on 27.01.2004 by the appellant/claimant, the tribunal by its judgment dated 17.01.2011, returned a finding that he had suffered injuries in a motor vehicular accident that had occurred on 06.12.2003 due to negligent driving of a motor vehicle bearing registration no. HR 38 FT 3633 rendering him permanently physically handicapped, as certified by a board of doctors of All India Institute of Medical Sciences (Ex.PW-1/2), his functional disability being assessed at 20%. The tribunal awarded compensation in the total sum of Rs. 1,86,462/- and directed the third respondent (insurer) to pay the same with interest @ 7.5% per annum, it concededly having issued an insurance policy

covering third party risk in respect of the offending vehicle. The amount of compensation includes lump-sum amount of Rs. 50,000/- towards pain & suffering and loss of amenities of life.

2. By the appeal at hand, the claimant seeks enhancement, pressing his prayer only for appropriate increase under the non-pecuniary heads of damages towards pain & suffering and loss of amenities of life.

3. Having regard to the nature of injuries suffered and the disability flowing from such injury, it being permanent in nature, the amount of Rs. 50,000/- as awarded by the tribunal is treated as compensation under the head of loss of amenities of life and Rs. 75,000/- is added under the head of pain & sufferings. The award shall accordingly be increased by Rs. 75,000/-(Rupees Seventy Five Thousand only).

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

5. The insurer is directed to satisfy the enhanced award by requisite deposit with the tribunal within thirty days, such amount to be released to the appellant in the form of interest bearing fixed

deposit receipt taken out from a nationalised bank in his name for a period of seven years with right to draw periodic interest.

6. The appeal is disposed of in above terms.

R.K.GAUBA, J.

OCTOBER 30, 2017/nk