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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 24th November, 2017

+ **MAC.APPEAL 632/2011**

SANTOSH KUMARI DALAL Appellant
Through: Mr. S.N. Parashar, Advocate.

versus

RELIANCE GENERAL INSURANCE CO LTD & ORS
..... Respondents
Through: Mr. Rajeev M. Roy, Advocate
for R-1.

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

JUDGMENT (ORAL)

1. The appellant was the claimant before the Tribunal in accident claim case (MACP No. 471A/2010), instituted on 19.08.2008, whereby she sought compensation under Section 166 of Motor Vehicles Act, 1988, for injuries suffered by her in a motor vehicular accident that took place on 06.02.2008, due to negligent driving of Tata Indigo Car bearing registration No. DL-3C-AC-6630, admittedly insured against third party risk with the first respondent (the insurer) for the period in question. By judgment dated 11.03.2011, the Tribunal upheld the said claim and awarded compensation in the total sum of Rs.1,75,741/-, fastening the liability on the insurer to pay with interest @ 7.5% per annum.

2. The appeal seeking enhancement is pressed only on the ground that the award under the head of pain and suffering is inadequate and

that there is no award made for loss of amenities of life due to disability suffered.

3. A perusal of the Tribunal's record shows that the claimant had sustained multiple fractures in both bones of the left lower limb. She was examined by a board of doctors of Deen Dayal Upadhyay Hospital which issued disability certificate (at page 53, part 2 of lower court record) indicating she to be suffering from permanent physical disability to the extent of 6% in relation to the left lower limb. She was earning her livelihood as a Lady Health Visitor in CGHS Hospital Dispensary. The Tribunal has assumed the functional disability at 3% and granted the award including on account of loss of future income due to disability accordingly.

4. In the above set of facts, the award of Rs.25,000/- towards pain or suffering is found to be inadequate. It is raised to Rs.50,000/-. In addition, Rs. 50,000/- is added towards loss of amenities. Thus, there would be net increase of award by Rs.75,000/- (Seventy Five Thousand Only). The enhanced portion of the award will carry interest @ 9% (nine per cent) per annum from the date of filing of petition till its realization.

5. The first respondent is directed to satisfy the enhanced amount of the award by requisite deposit with the Tribunal within 30 days.

6. The appeal is disposed of in above terms.

R.K.GAUBA, J.

NOVEMBER 24, 2017//srb