

\$~R-86

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

Decided on: 21st July, 2017

+ MAC.APP. 374/2009 and CM APPL.10819/2009

RESHAM SINGH

..... Appellant

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

versus

NARESH KUMAR CHAUHAN

..... Respondent

Through: Ms. Neerja Sachdeva, Advocate
for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant, then aged 32 years, earning his livelihood as farm labour, suffered injuries and consequent permanent disability assessed to be 50% functional disability affecting his earning capacity, and filed claim petition no.569/2008 on 23.02.2005 to be awarded compensation in the total sum of Rs.2,46,968/- with interest by the Motor Accident Claims Tribunal (the tribunal) by judgment dated 21.10.2008.

2. By the appeal at hand he (the appellant) sought enhancement of the compensation.

3. The liability was fastened on the second respondent, it being the insurer of the vehicle, the negligent driving of which was proved to be

the cause for accident. The second respondent has appeared to contest.

4. The learned counsel on both sides have been heard. The tribunal's record has been perused.

5. The appeal is pressed only to seek enhancement of the non-pecuniary damages on account of pain and suffering and for loss of amenities of life, which are in the sum of Rs.30,000/- and Rs.20,000/- respectively.

6. It is noted that the appellant had proved before the tribunal that he had suffered paraplegia in both legs on account of the injuries, the assessment of disability being such as is not likely to improve. Having regard to the injuries and disability suffered and the permanent effect that they left on his working capacity and quality of life, awards under the heads of pain and suffering and loss of amenities of life are increased to Rs.50,000/- each. This would mean there would be net increase of Rs.50,000/- in the total award. The enhanced compensation shall also carry interest as levied by the tribunal.

7. The second respondent (the insurance company) shall satisfy the enhanced portion of the award by requisite deposit with the tribunal within thirty days making it available to be released to the claimant.

8. The appeal is allowed in above terms.

R.K.GAUBA, J.

JULY 21, 2017/vk