

\$~R-564

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

Decided on: 24th November, 2017

+ **MAC APPEAL 845/2012**

SIMRITA

..... Appellant

Through: Mr. Navneet Goyal, Advocate

versus

**NATIONAL INSURANCE COMPANY LTD.
& ORS.**

..... Respondents

Through: Mr. Manoj Ranjan Sinha, Mr.
Amit Wahi and Ms. Mani
Shandilya, Advocates for R-1

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The injuries suffered by the appellant, then aged 16 years, in a motor vehicular accident that occurred on 22.08.2008 included loss of left ear lobule. The Motor Accident Claims Tribunal (Tribunal), by its judgment dated 07.03.2012, decided her accident claim case (MACT 51/11/08) and awarded total compensation in the sum of Rs.2,43,717/- directing the first respondent (insurer) to pay the same, it concededly having issued an insurance policy covering third party risk in respect of the offending vehicle for the period in question.

2. The said compensation has been computed under various heads including pain and suffering (Rs.30,000/-), cost of medical treatment (Rs.20,923/-), premium of mediclaim policy (Rs.2,000/-), cost of

treatment (Rs.5,794/-), cost of future treatment (Rs.1,20,000/-, loss of marriage prospects (Rs.50,000) and conveyance and special diet (Rs.15,000/-).

3. The appeal seeking enhancement is pressed only to point out that the compensation under the head of pain and suffering is inadequate and there is further deficiency since there are no damages awarded for dis-figurement.

4. The submissions are found to be correct.

5. The damages on account of pain and suffering are increased to Rs.50,000/- and another amount of Rs.50,000/- is added towards dis-figurement. Thus, there would be a net increase in the award by Rs.70,000/- (Rupees Seventy thousand only). The enhanced portion of the award shall carry interest at the rate of 9% p.a. (nine percent) from the date of filing of the petition till realization.

6. The insurer is directed to pay the same by requisite deposit with the tribunal within 30 days making it available to be released to the claimant.

7. The appeal is disposed of in above terms.

R.K.GAUBA, J.

NOVEMBER 24, 2017

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