

\$~R-594

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

Decided on: 29th November, 2017

+ **MAC APPEAL 981/2012**

MOHD. SAGIR

..... Appellant

Through: None

versus

MOHD. IRFAN ALAM & ORS.

.... Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant was the claimant before the Motor Accident Claims Tribunal (Tribunal) in accident claim case (MACT suit no.266/10), instituted on 01.09.2010, seeking compensation for injuries suffered in a motor vehicular accident that occurred on 28.07.2010, due to the negligent driving of a Tata-709 truck bearing registration no.DL-1LG-7865.

2. The tribunal after inquiry, by judgment dated 14.05.2012, accepted the said claim case and awarded compensation in the total sum of Rs.2,23,100/-, directing the third respondent (insurer) to pay the said amount inclusive of Rs.1,26,672/- as the loss of future income due to functional disability which was evaluated at 55% for a period of

two years, also adding Rs.15,834/- towards loss of income for three months.

3. The appeal was filed with the grievance that the amount of compensation awarded is inadequate. It was put in the list of 'Regulars' as per order dated 05.09.2012. When it is called out in its own turn, there is no appearance on behalf of the appellant.

4. The grievance in the appeal is that the disability should have been treated as for whole life. This plea cannot be accepted in view of the disability certificate (Ex. PW2/A) which indicated its validity for two years only. The claimant did not take any steps to have himself re-assessed for any further evaluation. The claim that the disability would plague him for remainder of his life is not based on any material. The award for loss of income for three months is based on the evidence about the period of treatment.

5. In these circumstances, no case is made out for any increase in the award. The appeal is, thus, dismissed.

NOVEMBER 29, 2017

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R.K.GAUBA, J.