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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 30th November, 2017

+ MAC.APP. 990/2012

THE ORIENTAL INSURANCE CO.LTD. Appellant

Through: Mr. A.K. Soni, Adv.

versus

SUKHBIR SINGH & ORS. Respondents

Through: Ms. Kavita Tyagi & Mr.
Navneet Goyal, Advs.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The insurer presses the present appeal, directed against the judgment dated 22.05.2012, on the accident claim case of the first respondent (the claimant), where the tribunal awarded a compensation in the total sum of Rs.6,88,000/-, on the grounds that the inclusion of Rs.1,50,000/- for pain and sufferings and Rs. 2,00,000/- for loss of amenities to life and convenience were excessive and the direction to pay Rs.31,000/- as counsel fee and 5,000/- as out of pocket expenses was improper.
2. Having heard both sides, the contentions about the quantum are found to be without merit. It may be noted that claimant had sustained fracture on left leg, dislocation of right shoulder, serious

injuries on ribs and thigh, and injuries in the other parts of body including in the head, he having been rendered permanently disabled, the disability have been assessed to the extent of forty two percent (42%).

3. In these facts and circumstances, the non-pecuniary damages awarded by the tribunal may not call for any interference.
4. However, as there is no justification for such inclusion, the directions for amounts to be paid on account of counsel fee and pocket expenses are set aside.
5. By order dated 07.09.2012, the insurance company was directed to deposit 50,000/- with the Registrar General. The said amount with accrued interest shall be released to the claimant. The Insurance Company is directed to satisfy the balance amount by requisite deposit with the tribunal within 30 days, so as to be made available to be released to the claimants.
6. The statutory amount shall be refunded after proof of the award having been satisfied.
7. The appeal is disposed of in above terms.

R.K.GAUBA, J.

NOVEMBER 30, 2017

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