

\$~R-291

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

Decided on: 09th October, 2017

+ MAC.APP. 71/2011

RAJBIR SINGH

..... Appellant

Through: Mr. S.N. Parashar, Advocate

versus

NEERU & ORS.

..... Respondents

Through: Mr.J.P.N. Shahi and Ms. Komal
Dhingra, Advocates for R-3

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. On his accident claim petition (MACT 18/2010), the Motor Accident Claims Tribunal (Tribunal), by its judgment dated 12.04.2010, which was rectified later on 04.06.2010, granted compensation in favour of the appellant (claimant) in the total sum of Rs.7,17,763/- directing the third respondent (insurer) to pay the same with interest at the rate of 8% p.a. for the injuries and permanent handicap suffered on account of the motor vehicular accident that had occurred on 25.08.2006 involving negligent driving of a truck bearing registration no.HR-38H-9667, admittedly insured against third party risk for the period in question with the said insurer, calculating the amount thus :-

Towards loss of dependency allowance	Rs.5,00,775/-
--------------------------------------	---------------

Towards loss of two years salary	Rs.79,488/-
Towards Medical bills	Rs.2,500/-
Towards Special Diet for all four years and for future years	Rs.25,000/-
Towards conveyance allowance for all four years and for future attendant's conveyance	Rs.10,000/-
Towards loss of enjoyment of life	Rs.50,000/-
Towards pain and agony for all years	Rs.50,000/-
Total	Rs.7,17,763/-

2. It is pointed out by the appellant who seeks enhancement of compensation by the appeal at hand on the ground that he had suffered amputation of his right lower limb below knee which has rendered him permanently disabled (Ex. PW2/12). The appeal is pressed only to submit that the award under the heads of loss of enjoyment of life and towards pain and agony and the rate of interest levied are inadequate.

3. Given the nature of injuries suffered and the permanent handicap that has resulted therefrom, the grievances are found to be correct. The awards under the above mentioned two heads of damages are increased to Rs.1,50,000/- each thereby raising the award by Rs.2,00,000/- (Rupees Two Lakh).

4. Following the consistent view taken by this Court, the rate of interest is increased to 9% per annum (nine percent) from the date of filing of the petition till realization. [see judgment dated 22.02.2016]

in MAC.APP. 165/2011 *Oriental Insurance Co Ltd v. Sangeeta Devi & Ors.*].

5. The award is modified accordingly. The insurer is directed to satisfy the enhanced award by requisite deposit with the tribunal within 30 days making it available to be released to the claimant.

6. The appeal is disposed of in above terms.

R.K.GAUBA, J.

OCTOBER 09, 2017

yg

