

\$~R-623

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 1st December, 2017

+ MAC. APPEAL No.1104/2012

JAGPREET SINGH & ORS.

..... Appellants

Through: Nemo.

versus

NEW INDIA ASSURANCE COMPANY LIMITED & ORS.

..... Respondents

Through: Mr. Pankaj Seth, Advocate for
R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant was the claimant before the tribunal in a motor accident claim case (Suit No.883/06/08) instituted on 19.12.2006, seeking compensation for the injuries suffered by him in a motor vehicular accident that took place on 15.06.2006 due to negligent driving of tempo bearing registration No.DL-1LC-8847, which was insured against third party risk for the period in question with the first respondent (insurer). The tribunal held inquiry and, by judgment dated 19.11.2010, awarded compensation in the total sum of Rs.1,46,600/- in his favour, holding tempo driver responsible fastening the liability to pay on the insurer.

2. The insurer came up with appeal (MAC APP.346/2011) challenging the aforesaid judgment on the ground of recovery rights. During the course of the said appeal, the claimant filed cross objections (CM No.23650/2011) on the basis of which the present appeal was registered. It may be added that the appeal of the insurer was dismissed by judgment dated 11.12.2012, but the present appeal (on cross objections) seeking enhancement of compensation survived.
3. The appeal was put in the list of 'Regulars' to come up on its own turn, as per order dated 10.02.2016. When it is called out for hearing, there is no appearance on behalf of the appellant/claimant. The learned counsel for the insurer has been heard and with his assistance record perused.
4. The compensation awarded to the claimant was calculated by the tribunal, thus:-

Sl.No.	Head	Amount (in Rs.)
1.	Pain and suffering	80,000/-
2.	Loss of amenities	30,000/-
3.	Special diet	10,000/-
4.	Conveyance	5,000/-
5.	For medicines	5,000/-
6.	For loss of earning for two months @ Rs.8300/-	16,600/-
	Total	1,46,600/-

5. The grievances mentioned in the appeal are that the claimant had proved medical expenditure in the sum of Rs.53,162/- which has been wrongly denied; the claimant was unable to work for gain for one year and, thus, the compensation for loss of income granted only for two months is inadequate and that the amount of Rs.5,000/- towards conveyance charges is deficient.

6. A perusal of the record shows that all the above said contentions must be rejected. The tribunal has gone by the evidence adduced and has granted appropriate award.

7. The appeal is, therefore, dismissed.

DECEMBER 01, 2017

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R.K.GAUBA, J.