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

Decided on: 9th October, 2017

+ **MAC APPEAL No. 66/2011**

MUKESH KUMAR

..... Appellant

Through: None.

versus

HARISH CHANDRA & ANR.

..... Respondents

Through: Mr. P.K. Seth, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant, then serving as a Sub-Inspector in Delhi Police, suffered injuries in a motor vehicular accident that occurred on 02.05.2004. On his accident claim case (MACT No. 239/2008) instituted on 17.09.2004, the tribunal held inquiry and, by judgment dated 12.07.2010, awarded compensation in the total sum of Rs. 1,32,000/-, fastening the liability on the second respondent (insurer), it having admittedly issued insurance policy covering third party risk in respect of the offending vehicle described as mini truck make DCM Toyota bearing registration no. DL 1LA 7571 of the first respondent (driver-cum-owner), the amount of compensation awarded by the tribunal having been calculated thus:-

S.No.	Heads	Compensation
1.	Medicines & Treatment	Rs. 60,000/-
2.	Loss of Income	Rs. 32,000/-
3.	Pain and suffering	Rs. 30,000/-
4.	Conveyance & Special diet	Rs. 10,000/-
	Total	Rs. 1,32,000/-

2. The insurance company was directed to pay the above said amount with interest @ 9% per annum to the claimant though it was granted recovery rights against the first respondent on the basis of finding returned about breach of terms and conditions of the insurance policy.

3. The appeal at hand was filed seeking enhancement of compensation primarily on the ground that the claimant had to undergo treatment for more than three months and that he had suffered multiple fractures with disability.

4. The appeal was put in the category of 'regulars' as per order dated 19.03.2015. On being called out, there is no appearance on behalf of the appellant.

5. The matter has been heard with the assistance of the learned counsel representing the second respondent and by perusal of the tribunal's record.

6. It is noted that the claimant had himself proved leave certificate (Ex.DW-1/3) showing that he had to be on leave for medical treatment for two months and seven days. It is on such basis that the compensation was calculated. There is no material supporting the plea

of the treatment or immobility on account of injuries having gone upto three months or beyond. There is no proof adduced of any disability leave alone permanent one.

7. In these circumstances, no case is made out for any increase in the award.

8. The appeal is dismissed.

R.K.GAUBA, J.

OCTOBER 09, 2017

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