$~R-277

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

Decided on: 26th September, 2017

\+ MAC APPEAL No. 848/2010

ASHISH SHARMA ..... Appellant
Through: Mr. Bhupesh Narula, Advocate with Mr. Yogesh Narula, Advocate

versus

RAJ KUMAR & ORS. ..... Respondents
Through: Mr. Amit Gaur, Advocate for R-3.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant, then 22 years old, suffered injuries in a motor vehicular accident that occurred on 18.10.2004 due to negligent driving of bus bearing registration No.DL-1PB-1850, admittedly insured against third party risk with the third respondent (insurer). On his accident claim case (Suit No.1227/2007), instituted on 04.04.2007, the tribunal, by its judgment dated 22.07.2010, awarded compensation in the total sum of Rs.5,75,900/- with interest @ eight per cent (8%) per annum, directing the insurer to pay with interest, calculating it thus:-

Sl. No.	Head	Amount in (Rs.)
1.	Pain, shock and suffering	20,000/-
2.	Expenditure on bills	12,500/-
3.	Compensation for disability of 75%	4,28,400/-
4.	Conveyance and special diet	15,000/-
5.	Loss of marriage prospects	50,000/-
6.	Loss of amenities	50,000/-
	Total	5,75,900/-

2. At the hearing of the appeal seeking compensation, it is submitted that for calculation of loss of income in future due to disability, assessed to the extent of seventy five per cent (75%), the multiplier of 18 rather than 17 should have been invoked. The counsel also submits that the awards under the head of pain, shock and suffering, loss of marriage prospects and loss of amenities as also the rate of interest are inadequate.

3. It is noted that on account of injuries suffered including in spinal column, the claimant suffers from permanent disability on account of weakness of the lower limbs which would affect his entire future life. In these circumstances, the loss of functional disability having been assessed at 75%, and the earnings having been assumed of Rs.3,000/- per month compensation for loss of future earnings with the multiplier of 18, would require addition of Rs.25,200/-. The said amount is added to make-up for the deficiency.

4. In the facts and circumstances, awards under the three above-mentioned non-pecuniary heads of damages are found to be deficient. They are increased to Rs.75,000/- each. Thus, there will be a net increase in the award by (25,200/- + 55,000/- + 25,000/- + 25,000/-) Rs.1,30,200/- (Rupees One Lakh Thirty Thousand Two Hundred Only).

5. Ordered accordingly.

6. Following the consistent view taken by this Court, the rate of interest is increased to 9% per annum 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*.].

7. The insurer is directed to satisfy the enhanced award by requisite deposit with the tribunal within thirty days, making it available to be released to the claimant.

8. The appeal stands disposed of in above terms.

R.K.GAUBA, J.

SEPTEMBER 26, 2017
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