

\$~R-254

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

Decided on: 21st September, 2017

+ **MAC APPEAL No. 690/2010**

JAGAT SINGH

..... Appellant

Through: Mr. Meraj A. Khan with Ms.
Asmiti, Advs.

versus

RAMESH KUMAR & ORS.

..... Respondents

Through: Mr. Pankaj Seth, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant had suffered grievous injuries in motor vehicular accident that occurred on 02.07.2008 on account of negligent driving of bus bearing registration no. DL 1PA 0288, admittedly insured against third party risk for the period in question with third respondent (insurer). On his claim petition (MACP No. 863/2008) instituted on 02.05.2007, the tribunal, after inquiry, by judgment dated 16.07.2009, awarded compensation in the total sum of Rs. 60,000/- with interest, fastening the liability on the insurer.

2. The present appeal was filed seeking enhancement of the award. It is pressed to claim increase in general damages and damages on account of pain & suffering for which the tribunal has awarded Rs. 5,000/- and Rs.15,000/- only.

3. It is noted that the claimant was a student of 11th standard, the injuries included fracture of the right leg. He had to undergo surgical procedure wherein interlocking nailing had to be done to fix the damaged bone. In these circumstances, the awards under the two heads are found to be deficient. The same are increased to Rs. 40,000/- each.
4. Thus, there would be net increase of Rs. (35,000 + 25,000) Rs. 60,000/- (Rupees Sixty Thousand only). Ordered accordingly. The enhanced portion of the award shall carry interest @ nine per cent (9%) per annum from the date of filing of the petition till realization.
5. The insurer is directed to satisfy the enhanced award by requisite deposit with the tribunal within thirty days.
6. The appeal is disposed of in above terms.

SEPTEMBER 21, 2017

nk

R.K.GAUBA, J.

न्यायमेव जयते