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

% **Date of Decision: 03rd January, 2017**

+ MAC.APP.670/2015 and CM No.16431/2015

BAJAJ ALLIANZ GENERAL INSURANCE CO LTD..... Appellant

Through: Mr. Pankaj Gupta proxy for Ms.
Suman Bagga, Advocate

versus

HEMANT & ORS

..... Respondents

Through: Mr. Mukesh Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.83,166/- has been awarded to respondent No.1.

2. The accident dated 26th August, 2013 resulted in injuries to respondent No.1. Respondent No.1 was driving the motorcycle bearing No.RJ-32SC-3841 which met with an accident with Swift car bearing No.DL-9C-AG-2841 on 26th August, 2013. Respondent No.1 suffered simple injuries for which he took treatment for about three months. The prescriptions of the Deen Dayal Upadhyay Hospital are on record. The Claims Tribunal awarded Rs.23,166/- towards loss of income, Rs.40,000/- towards pain and suffering, Rs.10,000/- towards

conveyance and special diet and Rs.10,000/- towards loss of amenities. The total compensation awarded is Rs.83,166/-.

3. Learned counsel for the appellant urged at the time of hearing that the compensation awarded under the head of pain and suffering is on a higher side and should be reduced to Rs.10,000/-.

4. Respondent No.1 is present in Court and he submits that he is a carpenter and could not attend to his work for three months on account of the pain and suffering.

5. This Court is of the view that the compensation awarded to respondent No.1 is just, fair and reasonable and does not warrant any interference.

6. The appeal is dismissed. Pending application is disposed of.

7. The appellant has deposited the entire award amount with the Registrar General of this Court out of which 50% amount has already been released to respondent No.1. The Registrar General is directed to release the balance 50% amount along with interest accrued thereon by instructing UCO Bank, Delhi High Court Branch to release 1/3rd of the amount with cumulative interest to respondent No.1 by transferring the same to his savings bank account. The balance amount be kept in two FDRs of equal amounts in the name of respondent No.1 for the periods of 3 months and 6 months with cumulative interest. On maturity, UCO Bank shall release the amount to respondent No.1 by transferring the same to his savings bank account.

8. Respondent No.1 shall furnish the particulars of his savings bank account to UCO Bank, Delhi High Court Branch within a period

of two weeks.

9. Copy of this judgment be given *dasti* to learned counsels for the parties under signature of Court Master.

JANUARY 03, 2017

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J.R. MIDHA, J.

