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

Decided on: 30th October, 2017

+ **MAC APPEAL 943/2017 & CM No. 38818/2017 & CM No. 38817/2017**

PARINEETA (MINOR THROUGH MOTHER) Appellant

Through: **Mr. Saurabh Kansal with Ms. Pallavi S. Kansal, Advs.**

versus

HARSHIT KUMAR & ORS. Respondents

Through: **Mr. Shaumik Mazumdar, Adv.**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. On the accident claim case (MACT APP no. 177/2017) instituted on 31.01.2017 on behalf of the appellant (the claimant) in the wake of the detailed accident report (DAR) submitted by the police on the basis of the evidence gathered during investigation of corresponding first information report no. 690/2016 registered at police station, Jaitpur, compensation in the lump sum amount of Rs. 10,000 has been awarded for injuries suffered by her in motor vehicular accident that took place on 07.12.2016, statedly due to the negligent driving of motor vehicle bearing registration no. DL-3SCV-4870, admittedly insured against third party risk with the third respondent (the insurer). It may be mentioned here itself that the

claimant was four year old child on the date of the accident and the injuries suffered by her concededly are simple in nature. The insurance company had made a legal offer to pay compensation. The tribunal held inquiry and on the basis of the evidence found a case made out for compensation to be awarded though keeping in mind the nature of the injuries suffered and the amount was determined in the sum of Rs. 10,000/- only.

2. The appeal seeks enhancement of the compensation. On being asked, the learned counsel for the appellant fairly concedes that there is nothing on record on basis of which loss of income could possibly be determined. He also fairly concedes that in absence of any serious injuries or grave aftermath suffered, compensation on the lines generally considered cannot be awarded in the present case. He, however, submits that compensation awarded on the touchstone of pain and suffering is unduly low.

3. The third respondent on which the liability to pay the compensation was awarded has appeared on advance notice. The learned counsel on both sides fairly agree that the appeal may be taken up for final hearing straightaway.

4. The exemption from filing certified copies is granted and the delay of 15 days is condoned, thereby disposing of the applications (CM No. 38818/2017 & 38817/2017) moved in that regard.

5. Having regard to the facts and circumstances, the compensation in favour of the appellant is increased to Rs. 30,000/- (Rupees Thirty thousand only). The award is modified accordingly. It shall carry interest as levied by the tribunal and shall be payable in terms of the

directions in the impugned judgment. The insurance company is directed to satisfy the enhanced award by requisite deposit with the tribunal within 30 days.

6. The appeal is disposed of in above terms.

R.K.GAUBA, J.

OCTOBER 30, 2017

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