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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 925/2015, CM APPL. 28812/2015 (stay)**
ANKITA & ANR

..... Appellant

Through: Mr. Manoj Saxena, Adv.

Versus

NARINDER SINGH

..... Respondent

Through: Mr. Dilip Singh and Mr. K.M. Dwedi,
Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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15.05.2017

By the award dated 03.08.2015, the MACT has granted a compensation of Rs.4,65,224/- to the appellants under the following heads:

1. Medicines and treatment :	Rs.47,624/-
2. Loss of income :	Rs.2,17,600/-
3. Pain and suffering :	Rs.1,00,000/-
4. Conveyance and special diet :	Rs.50,000/-
5. Loss of amenities :	Rs.50,000/-
Total :	<u>Rs.4,65,224/-</u>

This appeal impugns the award of Rs.50,000/- apropos conveyance and special diet on the ground that the same are on a higher side and there is nothing on record to substantiate the same. In this regard, the Tribunal reasoned as under:

“In the affidavit Ex.PW3/A the petitioner has stated that he has spent Rs.55,000/- on conveyance and special diet and the same is still continuing.

Petitioner during the course of his deposition has failed to substantiate the amount spent by him on conveyance and special diet with documentary evidence. However, considering the nature of injuries sustained by him, he would have paid repeated visits to the hospital/doctor for his follow up treatment incurring expenses on conveyance. He must have required to take special diet to recover from the injuries sustained by him. 1, therefore, award a sum of Rs.50,000/- to the petitioner towards conveyance and special diet.”

The Tribunal dealt with the nature of injury as under:

“19. The petitioner in his affidavit Ex.PW1/A has averred that in the accident he has sustained grievous head injury and multiple body injury. It is stated that after the accident the petitioner was admitted in Safdarjung Hospital. The petitioner has filed on record the discharge summary prepared at Vardhman Mahavir Medical College and Safdarjung Hospital, New Delhi which shows that he was admitted in the said hospital on 22.1.2014 and the date of discharge has been left blank. The date of operation in the said discharge summary is mentioned as 22.1.2014 and the final diagnosis is mentioned as "right frontoparietoccipital EDH". The petitioner has filed another discharge summary prepared at Safdarjung Hospital which shows that he was admitted in the said hospital on 05.2.2014 and was discharged on 08.2.2014 and the diagnosis is mentioned as "closed traumatic fracture proximal haemorous(left) with DNVD". In the said discharge summary the procedure in the hospital is mentioned as ORIF with 4 hole Philos Plate done under GA in EOT on 05.2.2014. The petitioner has filed his further treatment record. The petitioner has filed medical bills amounting to Rs.47,624/-. I therefore,

award a sum of Rs.47,624/- towards the medicines and treatment.

22. Pain and suffering is covered under non pecuniary damages. To calculate the same, nature of injuries sustained by the injured, duration during which he got the medical treatment and was confined to bed, are some of the factors which are required to be taken into account. He got admitted for a considerable period in the hospital and injuries sustained by him were grievous in nature. The mental agony which the petitioner might have undergone at the time of accident, cannot be equated or quantified in terms of money. Physical pain which the petitioner must have undergone during the course of treatment would have been immense. It has been specifically averred in the affidavit that the petitioner was unable to work for a considerable period.”

The Court notes that the Tribunal had considered the injury to be of grievous nature and as stated above, regular intensive treatment and recovery expenses cannot be ruled out. Hence a compensation of Rs.50,000/- towards conveyance and special diet arrived at by the Tribunal is just and proper and does not require any inference by this Court.

The learned counsel for the appellant submits that some payment has been made to the claimant out of the total compensation amount. He seeks a period of six months for payment of the remaining awarded amount. In view of the request, especially invoking the appellants' weak financial condition, the appellants are granted three months' time to pay the remaining compensation amount alongwith interest, in three equal instalments. The first instalment shall be paid on 10th June, the second on 10th July, and the third on 10th August, 2017. An affidavit of compliance

detailing the interest calculation, etc. shall be filed by appellant before the Tribunal concerned.

The appeal is disposed off in the above terms.

NAJMI WAZIRI, J.

MAY 15, 2017/acm