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

Decided on: 04th January, 2018

+ **MAC APPEAL 26/2013 and CM 528/2013**

**U.P. STATE ROAD TRANSPORT
CORPORATION**

.... Appellant

Through: Mr. Shadab Khan, Advocate

versus

SANTOSH KUMAR SINGH

..... Respondent

Through: Mr. Peeush Sharma, Mr. S.M.
Tomar and Ms. Bharvi Thakur,
Advocates for R-1

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. On his accident claim case (MACP no.106/2011), the Motor Accident Claims Tribunal (Tribunal), by its judgment dated 28.09.2012, awarded compensation in the total sum of Rs.4,93,608/- in favour of the first respondent (claimant) for injuries suffered by him in a motor vehicular accident that had occurred on 23.03.2011 due to rash driving of a bus bearing registration no.UP-21AN-2678 of the appellant, fastening the liability upon it to pay with interest. The amount of compensation includes loss of earnings for the period of six months calculated at Rs.12,000/- p.m. as income earned from the private entity besides Rs.3,18,608/- towards medical expenditure.

2. By the appeal at hand, exception is taken only to the said two heads of damages on the ground that the income was wrongly accepted as Rs.12,000/- p.m. on the basis of evidence of Keshav Singh (PW-3), Manager and further that the medical expenditure incurred is excessive.

3. The learned counsel for the appellant has been heard and with his assistance the record perused. This court finds no substance in either of the two contentions. There is no reason why the evidence of PW-3 should be disbelieved only because the attendance register produced by him would not bear the rubber stamp impression as was sought to be highlighted during his cross-examination. The evidence of PW-3 fully corroborates the evidence of the claimant about his private employment and earnings therefrom. The compensation towards medical expenditure is based on actual expenditure represented by bills, which were produced.

4. The appeal is, thus, dismissed. The pending application also stands dismissed.

5. By order dated 11.01.2013, the appellant had been directed to deposit the entire awarded amount with up-to-date interest with UCO Bank, Delhi High Court Branch and from out of such deposit, fifty percent (50%) was directed to be released to the claimant and the balance directed to be kept in fixed deposit receipt. The balance lying in fixed deposit with accrued interest shall now also be released to the claimant.

R.K.GAUBA, J.

JANUARY 04, 2018

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