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

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Date of Decision: 02nd May, 2018

+ MAC.APP. 34/2017

RELIANCE GENERAL INSURANCE CO LTD Appellant

Through: Mr. Rajeev M. Roy and Mr. P.
Srinivasan, Advs.

versus

PRAMOD KUMAR & ORS Respondents

Through: Mr. Saurabh Sachar, Adv. for R1.

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.4,09,000/- has been awarded to respondent No.1.
2. The accident dated 05th January, 2014 resulted in fracture of right arm of respondent No.1. The Claims Tribunal awarded Rs.20,715/- towards medical expenses, Rs.20,000/- towards special diet, Rs.20,000/- towards conveyance, Rs.98,098/- towards loss of earning during treatment, Rs.1,00,000/- towards pain and suffering and Rs.1,50,000/- towards loss of enjoyment of life. Total compensation awarded is Rs. Rs.4,09,000/-.
3. Learned counsel for the appellant submits that this is a case of simple fracture which has healed and has not resulted in permanent disability. It is further submitted that the compensation awarded by the Claims Tribunal is on a higher side.

4. Respondent No.1 present in Court and his condition has been seen. This Court is satisfied that the compensation awarded by the Claims Tribunal is on a higher side and it warrants reduction. The compensation awarded towards pain and suffering is reduced from Rs.1,00,000/- to Rs.20,000/- and compensation towards loss of enjoyment is reduced from Rs.1,00,000/- to Rs.25,687/-. Respondent No.1 is entitled to compensation of Rs.2,04,500/-.

5. The appeal is allowed and the compensation amount is reduced from Rs.4,09,000/- to Rs.2,04,500/- along with interest @ 9% per annum.

6. The appellant has deposited Rs.4,98,554/- in terms of the order dated 03rd February, 2017 out of which 50% amount has been released to respondent No.1 and the balance 50% amount is lying with the Claims Tribunal.

7. Learned counsel for respondent No.1 submits that amount received by respondent No.1 would cover the amount awarded by this Court along with interest thereon and respondent No.1 is not entitled to any further amount.

8. In that view of the matter, the Claims Tribunal is directed to refund the balance 50% amount to the appellant. The statutory amount be refunded back to the appellant.

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

MAY 02, 2018
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J.R.MIDHA, J.