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

% **Date of Decision: 28th May, 2018**

\+ MAC.APP. 50/2017 & CM No.1721/2017

M/S THE NEW INDIA ASSURANCE CO LTD ..... Appellant
Through Mr. D.D. Singh, Mr.Navdeep Singh, Ms.Suratdeep Singh, Advocates.

versus

ASHISH ..... Respondent
Through Mr. Avdesh Kumar, Advocate for respondent No.1.

**CORAM:**
**HON'BLE MR. JUSTICE J.R. MIDHA**

**JUDGMENT (ORAL)**

1. The appellant has challenged award of the Claims Tribunal whereby compensation of Rs.6,90,000/- has been awarded to respondent No.1.

2. The accident dated 13th October, 2009 resulted in grievous injuries to respondent No.1. Respondent No.1 along with his father was returning from his school at Sector 15, Rohini, Delhi on 13th October, 2009 at 01:20 P.M. when he was hit by a Santro Car bearing registration No.DL-8CN-1430. The respondent No.1 suffered 50% permanent disability in relation to his head as per the disability certificate dated 17th January, 2013.

3. The Claims Tribunal awarded Rs.7,832/- towards medical expenses, Rs.25,000/- towards special diet, Rs.20,000/- towards conveyance, Rs.2,86,404.83 towards loss of future earnings, Rs.1,00,000/- towards pain

& suffering, Rs.1,00,000/- towards diminishing prospect of marriage and Rs.1,50,000/- towards loss of enjoyment of life. The total compensation awarded is Rs.6,90,000/-.

4. Vide order dated 9th March, 2018, this Court referred respondent No.1 to the Committee of Experts at Safdarjung Hospital in pursuance to which the report dated 13th April, 2018 has been received according to which the respondent No.1 has suffered traumatic brain injury with right hemiparesis which has impaired the functions of his right side of the body.

5. Respondent No.1 is present in Court and his condition has been seen. This Court is of the view that the compensation awarded by the Claims Tribunal is just, fair and reasonable.

6. There is no merit in the appeal. Hence, the appeal is dismissed.

7. The appellant has deposited Rs.10,97,560/- with the Claims Tribunal which is lying in FDR/CIF No.8614365412-3, 36542123860 and the value of the FDR as on 11th May, 2018 is Rs.11,77,028/-.

8. Respondent No.1 present in Court submits that he is 17 years old and would be attaining majority on 6th June, 2019. Respondent No.1 has produced the passbook of his individual savings bank account containing the necessary endorsement in terms of para-4 the order dated 11th May, 2018.The details of the individual savings bank account of respondent No.1 are as under:-

A/c No.34130376993
State Bank of India,
Samepur Branch, Delhi,
IFSC Code: SBIN0006667

9. The Claims Tribunal is directed to disburse the award amount deposited by the appellant by instructing State Bank of India, Rohini Court

Branch as under:

(i) Rs.9,84,000/- be kept in 120 FDRs of Rs.8,200/- each, for the period 1 month to 120 months in the name of respondent No.1 respectively with cumulative interest.

(ii) The balance amount, after keeping Rs.9,84,000/- in FDRs, be released to respondent No.1 by transferring the same to his individual savings bank account with State Bank of India mentioned in para-8 above.

10. All the original FDRs shall remain with State Bank of India, Rohini Court Branch. However, the statement containing FDR number, amount, date of maturity and maturity amount shall be furnished by State Bank of India to the respondent No.1.

11. The maturity amounts of the FDRs be released to respondent No.1 in his savings bank account mentioned in para-8 above.

12. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

13. The concerned bank shall permit respondent No.1 to withdraw money from his savings bank account by means of a withdrawal form.

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

**MAY 28, 2018** **J.R.MIDHA, J.**

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