* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: July 10, 2018

\+ **MAC.APP. 164/2013**

SACHIN KUMAR @ PANKAJ ..... Appellant

Through: Mr. Navneet Goyal, Advocate

Versus

MAHENDER SINGH & ORS. ....Respondents

Through: Mr. Pankaj Gupta, Advocate for Ms. Suman Bagga, Advocate for respondent No.3-Insurance Co.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

1. Impugned Award of 1st June, 2012 grants compensation of ₹6,69,000/- with interest @ 9% *per annum* to appellant-*Sachin @ Pankaj,* aged 20 years, on account of grievous injury suffered by him in a vehicular accident, which took place on in the midnight of 18th/19th October, 2010. The facts as noticed in the impugned Award are as under:-

> *"The facts of the case are that on 18/19.10.10 at about 12.00 AM, Sachin @ Pankaj alongwith his cousin Gaurav was going on a motorcycle. When they reached Kuda Khatta Chopal at IGNOU Road, all of a sudden a Mahindra Champion Tempo bearing no. DL-1LH-6389 came at a high speed being driven by respondent no.1 in rash and negligent manner and hit their motorcycle. Sachin fell down and sustained injuries. He was removed to JPH Trauma Centre, AIIMS where his MLC was prepared. He was later admitted in Sir Ganga Ram Hospital. A case was registered at the police station Neb Sarai on the statement of Gaurav vide FIR*

no.287/10. Driving licence of respondent no.1 was seized. Respondent no. 2 was the owner of the vehicle and it was insured with respondent no.3."

2. To render the impugned Award, learned Motor Accident Claims Tribunal *(hereinafter referred to as the "Tribunal")* has relied upon evidence of injured and as per the Disability Certificate *(Mark-'X')*, permanent disability is 12% in relation to right lower limb. On the strength of evidence recorded, impugned Award has been rendered. The breakup of compensation awarded by Tribunal is as under:-

Head of Compensation	**Amount (in Rs.)**
Medical Expenses	Rs.4,80,000/-
Pain & Suffering and Enjoyment of Life	Rs.40,000/-
Special Diet, Attendant & Conveyance charges	Rs.24,000/-
Loss of Income	Rs.48,000/-
Future Loss of income on account of disability	Rs.52,000/-
Loss of Amenities/Enjoyment of Married Life	Rs.25,000/-
Total	**Rs.6,69,000/-**

3. Learned counsel for appellant-Injured assails impugned Award on the ground that quantum of compensation granted is on the lower side and it needs to be suitably enhanced. Learned counsel for appellant-Injured submits that the compensation has been awarded by the Tribunal on account of disability suffered by appellant-Injured while taking into consideration the period of three years only, whereas the disability suffered by appellant-Injured is for lifetime. It is also submitted by

learned counsel for appellant-Injured that the compensation granted under the head of *'pain and suffering'* and other heads is inadequate and deserves to be substantially enhanced.

4. On the contrary, learned counsel for respondent-Insurer supports the impugned Award and maintains that the compensation granted is just and proper and so, dismissal of the appeal is sought.

5. Upon hearing and on perusal of impugned Award and the evidence on record, I find that the Disability Certificate clearly states that reassessment of disability is required to be done after a period of two years. There is nothing on record that any reassessment has been got done by appellant-Injured. As per Disability Certificate of 30^{th} July, 2011, the disability suffered by appellant-Injured is progressive, but it does not rule out the likelihood of improvement. In such a case, the compensation granted on account of disability suffered for a period of three years is justified. However, liberty is granted to appellant-Injured to again seek compensation after reassessment of the disability suffered.

6. Regarding the compensation granted under the head of *'pain and suffering'* and other heads, I find that compensation granted under these heads is adequate and no case for enhancement of compensation is made out. Hence this appeal is dismissed, with liberty as aforesaid.

(SUNIL GAUR)
JUDGE

JULY 10, 2018
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