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

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Date of Decision: 06th March, 2018

+ MAC.APP.405/2017 & CM No.15718/2017

ICICI LOMBARD GENERAL INSURANCE CO LTD..... Appellant

Through: Mr. Sandeep Jha, Adv.

versus

MAMTA DEVI AND ORS

..... Respondents

Through: Mr. Samrendra K. Das, Adv. for
respondent No.1 with respondent
No.1 in person.

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.1,18,000/- has been awarded to her.
2. On 21st December, 2013 at about 11:30 A.M., respondent No.1 was going to Rajan Babu Hospital, Kingsway Camp, Delhi along with her husband for his treatment when she was hit by car bearing No. DL-6CJ-9360 which resulted in the grievous injuries to respondent No.1. Respondent No.1 was taken to Nulife Hospital at GTB Nagar, Delhi where she was referred to Hindu Rao Hospital. Respondent No.1 was taken to Hindu Rao Hospital where her X-ray was done and left leg was plastered on 26th December, 2014 and the plaster was removed on 01st February, 2014. The Claims Tribunal has awarded Rs.50,000/- towards pain and suffering, Rs.50,000/- towards

loss of enjoyment of life, Rs.2,783/- towards medical expenses, Rs.10,000/- towards special diets and Rs.5,000/- towards conveyance. The total compensation of Rs.1,18,000/- has been awarded to respondent No.1 by the Claims Tribunal.

3. Learned counsel for the appellant urged at the time of hearing that the compensation awarded towards pain and suffering and loss of enjoyment of life is on a higher side.

4. Respondent No.1 is present in Court on wheelchair and her condition has been seen. Respondent No.1 has handed over an affidavit dated 06th March, 2018 along with photocopy of her medical record which are taken on record. This Court is of the view that the compensation awarded to respondent No.1 is just, fair and reasonable and does not warrant any interference.

5. The appeal is dismissed.

6. The appellant has deposited Rs.1,49,685/- with UCO Bank, Delhi High Court Branch in terms of the order dated 17th May, 2017. UCO Bank, Delhi High Court Branch is directed to transfer 50% of the aforesaid amount to respondent No.1 in her savings bank account No.34185250344 with State Bank of India, Azadpur Branch, IFSC Code: SBIN0001707. The balance 50% amount be kept in FDR for a period of 6 months with cumulative interest.

7. At the time of maturity, the maturity amount shall credit in the aforesaid savings bank account of respondent No.1.

8. The original FDR shall be retained by UCO Bank, Delhi High Court Branch. However, the photocopy of the same shall be provided to respondent No.1.

9. No cheque book or debit card be issued to the claimant/respondent No.1 without permission of this Court. However, respondent No.1 be permitted to withdraw money from her savings bank account by means of a withdrawal form.
10. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.
11. Statutory amount be refunded back to the appellant.
12. Copy of this judgment be given *dasti* to counsels for the parties under signature of Court Master.

MARCH 06, 2018

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J.R. MIDHA, J.

