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

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Date of Decision: 15th March, 2018

+ MAC.APP. 463/2015

RELIANCE GENERAL INSURANCE CO LTD Appellant
Through: Mr. A.K. Soni, Advocate.

versus

DINESH YADAV & ORS Respondents
Through: Mr. B.R. Sharma, Advocate.

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.31,60,000/- has been awarded to respondent No.1.
2. The accident dated 24th September, 2011 resulted in 100% permanent physical impairment due to altered sensorium along with of cognitive functioning to respondent No.1. The Claims Tribunal awarded Rs.49,500/- towards medical expenses, Rs.50,000/- towards future medical expenses, Rs.3,00,000/- pain, sufferings and enjoyment of life, Rs.20,000/- towards special diet/future diet, Rs.50,000/- towards conveyance/future conveyance, Rs.9,00,000/- towards attendant charges, Rs.16,90,500/- towards loss of income/future loss of income and Rs.1,00,000/- towards loss of amenities. The total compensation awarded is Rs.31,60,000/-.

3. Learned counsel for the appellant urged at the time of hearing that the Claims Tribunal has awarded Rs.9,00,000/- towards the attendant charges which is on a higher side and liable to be reduced. It is further submitted that PW-3 deposed that he was looking after respondent No.1 at the monthly salary of Rs.10,000/- given in cash without any receipt. It is submitted that no documentary proof was placed on record.
4. Learned counsel for respondent No.1 submits that respondent No.1 expired during the pendency of this appeal on 09th November, 2016 and is survived by his parents who have been substituted in his place. It is submitted that the Rs.20,000/- per month was spent on the attendant and physiotherapy of respondent No.1 during the period of five years for his treatment. Learned counsel for respondent No.1 further submits that no compensation has been given in head of the disfiguration.
5. Learned counsel for the appellant submits that no evidence was led with respect to the expenses incurred on physiotherapy.
6. This Court is of the view that the appellant is entitled to attendant charges @ 10,000/- per month for the period of five years till treatment of deceased respondent No.1. The attendant charges are, therefore, reduced from Rs.9,00,000/- to Rs.6,00,000/-.
7. The Claims Tribunal has not awarded any compensation towards disfiguration. Rs.1,40,000/- is awarded under the head of disfiguration to Respondent No.1.
8. The appeal is partially allowed and the compensation amount is reduced from Rs.31,60,000/- to Rs.30,00,000/- along with 9% per annum from the date of institution i.e. 06th January, 2011 till realisation.
9. The appellant has already deposited 70% of the compensation award

with the Registrar General of this Court in terms of order dated 27th May, 2015 out of which Rs.10,00,000/- has been released to respondent No.1.

10. UCO Bank, Delhi High Court is directed to send the status report with respect to the balance amount lying with UCO Bank. The appellant is directed to deposit the balance award amount along with up to date interest with UCO Bank, Delhi High Court Branch by means of a cheque drawn in the name of UCO Bank A/c Nirmala Yadav within four weeks.

11. The appellant shall file computation of the interest on affidavit along with proof of deposit within one week of the deposit.

12. List for disbursement of the balance amount on 16th April, 2018 at 2:30 P.M.

13. The parents of respondent No.1 shall remain present on the next date of hearing along with passbooks of their savings bank accounts near the place of their residence along with PAN cards and Aadhaar Cards.

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

MARCH 15, 2018

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J.R. MIDHA, J.