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

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Date of Decision: 23rd May, 2018

+ MAC.APP. 594/2017 and C.M. Appl. 24759/2017

IFFCO TOKIO GENERAL INSURANCE
COMPANY LTD

..... Appellant

Through: Mr. Pankaj Gupta proxy for Ms.
Suman Bagga, Advocate

versus

CHARAN PREET & ORS

..... Respondents

Through: Mr. R.K. Bachchan, Advocate for
respondent No.1

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the award of the Claims Tribunal whereby Rs.4,61,000/- has been awarded to respondent No.1.
2. On 25th February, 2015 at about 09:30 P.M., respondent No.1 was travelling on the motorcycle No.DL-7S BB-8970 as a pillion rider which was hit by Eicher truck No.DL-1M-7125 which resulted in grievous injuries to Charan Preet including the fracture of shaft femur of left leg.. Respondent No.1 was removed to Babu Jagjivan Ram Memorial Hospital, Jahangirpuri, Delhi by the police in a precarious condition, where the doctors attended his injuries and MLC was prepared. Respondent No.1 was thereafter shifted to Brahm Shakti Hospital at Budh Vihar, Main Kanjhawala Road, New Delhi and remained admitted there from 03rd March, 2015 to 06th March, 2015 where surgery and ORIF was done with ILN under SA. The rod which was

inserted may have to be removed in future.

3. The Claims Tribunal awarded Rs.31,100/- towards medical expenses, Rs.15,000/- towards special diet, Rs.15,000/- towards conveyance charges, Rs.50,000/- towards cost for removal of iron rod, Rs.50,000/- towards loss of income during treatment, Rs.1,50,000/- towards pain and suffering and Rs.1,50,000/- towards loss of enjoyment of life. The total compensation of Rs.4,61,000/- is awarded.

4. Learned counsel for the appellant urged at the time of hearing that the compensation of Rs.1,50,000/- awarded under the head of pain and suffering and Rs.1,50,000/- awarded under the head of loss of enjoyment of life is on a higher side.

5. Learned counsel for respondent No.1 submits that the compensation amount is just, fair and reasonable.

6. Respondent No.1 is present in Court and his condition has been seen. This Court is of the view that the amount awarded to respondent No.1 is just, fair and reasonable and does not warrant any reduction.

7. The appeal is dismissed. Pending application is disposed of.

8. The appellant has deposited the entire award amount with the Claims Tribunal out of which 30% amount has already been released to respondent No.1.

9. The Claims Tribunal is directed to release the balance amount to respondent No.1 in terms of the award.

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

MAY 23, 2018

rsk

J.R.MIDHA, J.