

504

FAO No.10374 of 2014

Reena

vs.

Rashid Hussain and others

Present: Mr. Rakesh Dhiman, Advocate for the appellant

Mr. R.C.Kapoor, Advocate with
Mr. Gopal Krishan, Dy. Manager &
Mr. Amrik Singh, Asstt. Manager for
National Insurance Co. Ltd.

* * * *

Reena-appellant has filed the present appeal against the award of ₹ 48,000/-, passed by MACT, Gurgaon dated 25.3.2014 seeking enhancement of compensation on account of the injuries including disability to the extent of 3%, received by her in a motor vehicular accident that had taken place on 8.4.2013.

Learned counsel for the appellant contends that despite injury on her sensitive part i.e. pelvis region and the permanent disability to the extent of 3%, not even a single penny has been awarded by the learned MACT under this head.

It has further been contended that even under the head of attendant no amount has been given, although she remained admitted in the hospital for about more than a week.

The further contention of learned counsel for the appellant is that keeping in view the age and the said disability and the injury on the sensitive part of the appellant, an award of ₹ 30,000/- under the head of pain and suffering is also too meagre which also requires substantial increase.

He contends that though the enhancement comes to more than ₹ 1,00,000/-, but the appellant would be satisfied if another sum of ₹ 90,000/-

more, over and above, the amount already awarded by the MACT concerned, is granted to the appellant in full and final satisfaction of the claim in the present appeal and in that eventuality the appellant would give up her claim regarding interest on the enhanced amount from the date of filing of the petition before the MACT which was in the year 2013 i.e. for about 6 years.

To us, this offer seems to be just, reasonable and equitable in the facts and circumstances of the case. Learned counsel/representatives of the respondent-Insurance Company have agreed to this offer of learned counsel for the appellant and have signed the statement to that effect.

Accordingly, ₹ 90,000/- (Rs. Ninety Thousand only) is allowed as further compensation over and above the compensation already awarded by the MACT.

We dispose of this case with a direction to the Insurance Company to deposit a crossed-cheque in the sum of ₹ 90,000/- in the name of appellant-Reena d/o Sh. Satbir with the office of the Lok Adalat of the High Court on or before 11.3.2019 failing which the amount will carry 9% interest p.a. from the date of this order till the cheque is deposited with the office of the Lok Adalat. The appellant's counsel/appellant may collect the cheque from the office of the Lok Adalat.

Copy of the order/statement be supplied/sent to the counsel/parties and file be returned to the High Court.

(J. C. Verma)
President

(Arvind Kumar)
Member

04.02.2019