

FAO- 4087 of 2017

Date of Decision: 20.5.2019

Savita

---Appellant

versus

Sanjay and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sarthak Gupta, Advocate
for the appellant**

Rekha Mittal, J.

Savita, aged about seven years through her mother has filed the instant appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 14.11.2014..

Counsel for the appellant has fairly conceded that in case the present appeal is examined in the light of judgment of Hon'ble the Supreme Court **Master Malikarjun vs. Divisional Manager, The National Insurance Company Limited and another 2013(4) RCR (Civil) 295**, there may not be any scope for enhancement of compensation. However, it is argued that in view of nature of injuries sustained rendering the victim disable to the extent of 21%, she may be awarded some compensation with regard to future medical treatment.

Perusal of the award, particularly para 23 thereof, would reveal that the claimant has already been allowed more compensation viz-a-viz the one that can be assessed in the light of judgment in **Master Malikarjun 's case (Supra)**, therefore, there is no scope for allowing additional compensation with regard to future medical treatment. It is further held that

even if the appellant is allowed an amount of Rs. 1,00,000/- for future medical treatment but compensation allowed under heads by the Tribunal is modified in the light of **Master Malikaarjun 's case (Supra)**, net result would be loss to the injured-claimant. In the given scenario, I do not find any reason to differ with compensation assessed by the Tribunal.

For the foregoing reasons, finding no merit, the appeal stands disposed of.

(Rekha Mittal)
Judge

20.5.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No