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

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Decided on: 27.11.2019

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MAC.APP. 571/2019

BABY DEEPIKA

..... Appellant

Through: Mr. C.S. Parashar, Advocate.

versus

PRAVEEN KUMAR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 23831/2019 (for delay)

1. For the reasons mentioned in the application, it is allowed.
2. The delay in filing the appeal is condoned.
3. The application stands disposed-off.

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4. According to the Process Server, notice has been served to the respondent and he was represented by his counsel on 24.09.2019. The respondent stands served. However, none appears for the said respondent.
5. This appeal seeks enhancement of the award of compensation dated 13.11.2018 passed by the learned MACT in New MACT Case No. 477321/16, on the ground that only Rs. 20,000/- has been awarded towards 'conveyance, attendant charges and special diet'. The appellant-a minor was injured in the motor vehicular accident on 07.05.2015 at 2.00 pm. The rash and negligent driving on the part of the respondent was proven. The nature

of injuries sustained by her has been described as grievous as per the first Discharge Summary annexed as PW-1/4, she suffered '*fracture tibia left with degloving injury medial aspect of leg, posterior aspect of knee, lateral aspect of thigh left supracondylar femur fracture*'. She remained admitted at Sri Balaji Action Medical Institute from 08.05.2015 to 14.05.2015. As per second Discharge Summary, she remained admitted in the hospital on 25th & 26th June, 2015. In effect, she remained admitted for a period of nine days in the hospital. The nature of injuries and pain and suffering to a little girl and the expenses incurred by the father towards 'conveyance, attendant charges and special diet' would surely be more than the Rs. 20,000/-, granted by the learned Tribunal. In the circumstance, the compensation towards 'pain and suffering' is enhanced from Rs. 20,000/- to Rs. 50,000/- and towards 'conveyance, attendant charges and special diet', it is enhanced from Rs. 20,000/- to Rs. 40,000/-.

6. Accordingly, the amount payable to the appellant/injured is as under:-

S.No.	Particulars	Amount
1.	Pain and Suffering	Rs. 50,000/-
2.	Conveyance, Attendant Charges and Special Diet	Rs. 40,000/-
TOTAL		Rs. 90,000/-

7. Let the aforesaid enhanced amount, alongwith interest @9% from the date of filing of the claim petition till its realization, be deposited by the insurer before the learned Tribunal, within three weeks from the date of receipt of copy of this order, to be released directly into the bank account of

the father of the appellant/injured which is maintained near the place of his residence, in terms of the scheme of disbursement specified therein.

8. The appeal is disposed-off in the above terms.

NAJMI WAZIRI, J

NOVEMBER 27, 2019/RW

