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

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Decided on: 28.11.2019

+ **MAC.APP. 1099/2018 & CM APPL. 51565/2018**

UNITED INDIA INSURANCE CO LTD

.....Appellant

Through: Mr. Pradeep Gaur, Adv.

versus

SHAHID ALI & ORS.

..... Respondents

Through: Mr. Manashwy Jha, Adv. with Ms. Urvi Kapoor, Adv. for Mr. Manish Vashisht, Adv. for DTC.

Mr. Deepak Vashisht, Adv. with Mr. S.P. Yadav, Mr. Mahesh Saroj and Mr. Akshit Sharma, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 10.09.2018 passed by the learned MACT in MACT No. 383/2017 on the ground that it has erred in granting exorbitant compensation to the injured who had sustained injuries by crushing of bone, cartilage and flesh, with compound comminuted fracture of left tibia and fibula. He was treated at LHMC, New Delhi, where he was admitted on 22.01.2016 and discharged on 10.02.2016. During the admission, he was operated on 01.02.2016, 03.02.2016 and 08.02.2016. He was again admitted to the same hospital on 17.06.2016 and discharged on 24.06.2016. He was operated yet again on 20.06.2016. The learned Tribunal took into consideration that the injured was hospitalized for

38 days between 11.09.2015 to 24.06.2016. He had undergone four surgeries. The award towards re-payment of bills towards 'medical expenses' @ Rs. 3,33,065/- is not disputed.

2. The appellant impugns only the grant of compensation of Rs.2,00,000/-, Rs.3,00,000/-, Rs. 50,000/- and Rs. 2,00,000/-towards 'mental and physical shock', 'pain and suffering', 'loss of amenities of life' and 'loss of inconvenience/hardship/disappointment/mental stress', respectively. The Court would note that on the face of it, there appears to be overlapping between compensation towards 'mental and physical shock' and 'loss of inconvenience/hardship/mental stress'.

3. In the circumstances, the learned counsel for the respondent agrees that the amount under the head of 'loss of inconvenience/hardship/mental stress' be reduced by amount of Rs. 55,921/-. It is so ordered. Accordingly, the awarded amount shall be reduced by Rs. 55,921/-. Since no other ground is pressed in the appeal, let the remaining amount be released to the beneficiaries of the award in terms of the scheme of disbursement specified therein.

4. The excess amount, along with corresponding interest and the statutory amount, along with interest accrued thereon, shall be returned to the appellant.

5. The appeal stands disposed-off in the above terms.

NAJMI WAZIRI, J

NOVEMBER 28, 2019/kb