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

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Date of Decision: 27th February, 2020

+ MAC.APP. 807/2019 & CM Appl. 43614/2019

SANTOKH SINGH

..... Appellant

Through: Mr. Anuj Saini, Advocate for
appellant with appellant in person

versus

BHARAT BHATT & ORS (THE NEW
INDIA INSURANCE CO LTD)

..... Respondents

Through: Mr. D. K. Sharma, Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T (O R A L)

1. The appellant has challenged the award of the Claims Tribunal whereby the compensation of Rs.4,38,037/- has been awarded to him. The appellant is seeking enhancement of the award amount.
2. On 8th January, 2012 at about 9:30 PM, the appellant was driving his motorcycle when he was hit by the offending car which resulted in grievous injuries to the appellant. The appellant suffered multiple fractures on left leg namely fracture SOF distal 1/3 left and fracture lateral tibial plateau left (schatzker type-I) and he was admitted in City Hospital from 09th January, 2012 to 11th January, 2012. The appellant underwent plateau left (schatzker

type-I) surgery and a rod was implanted. The appellant remained in OPD treatment with BLK Hospital till 2016.

3. The Claims Tribunal awarded Rs.1,41,757/- towards medical expenses; Rs.15,000/- towards conveyance, Rs.15,000/- towards special diet, Rs.15,000/- towards attendant charges, Rs.33,280/- towards loss of earning during the period of treatment, Rs.1,68,000/- towards loss of future earning on account of permanent disability and Rs.50,000/- towards pain, suffering and trauma. Total compensation awarded is Rs.4,38,037/-.

4. Learned counsel for the appellant submits that no compensation has been awarded under the head of loss of amenities of life and disfiguration. It is further submitted that the amounts awarded under the pain and suffering, conveyance, attendant charges and special diet are on a lower side and the same be enhanced. It is further submitted that the appellant suffered 30% disability relating to left lower limb and he could not work for 12 months.

5. The appellant is present in Court and his condition has been seen. This Court is satisfied that the appellant is entitled to Rs.1,00,000/- under the head of loss of amenities of life and Rs.50,000/- towards disfiguration. The compensation for pain and suffering is enhanced from Rs.50,000/- to Rs.1,00,000/-. The appellant remained under treatment for a long time and therefore, compensation for conveyance is enhanced from Rs.15,000/- to Rs.40,000/- and compensation for attendant charges is enhanced from Rs.15,000/- to Rs.50,000/-. The compensation awarded under the other heads is fair and reasonable and does not warrant any interference. As such, the appellant is entitled to the total compensation amount of Rs.6,98,037/-. The breakup of the total compensation under the different heads is given as under:-

S. No.	Head	Amount
1.	Medical expenses	Rs.1,41,757/-
2.	Loss of future earnings due to permanent disability	Rs.1,68,000/-
3.	Loss of earning during the period of treatment	Rs.33,280/-
4.	Loss of amenities of life	Rs.1,00,000/-
5.	Pain and suffering	Rs.1,00,000/-
6.	Disfiguration	Rs.50,000/-
7.	Conveyance	Rs.40,000/-
8.	Attendant charges	Rs.50,000/-
9.	Special diet	Rs.15,000/-
10.	Total	Rs.6,98,037/-

6. The appeal is allowed and total compensation amount is enhanced from Rs.4,38,037/- to Rs.6,98,037/- along with interest at the rate of 9% per annum from the date of institution.

7. Pending application is disposed of.

8. The enhanced award amount be deposited by respondent No.3 with the Registrar General of this Court within four weeks.

9. List for disbursement of the enhanced award amount on 27th April, 2020.

10. This case shall be treated as part-heard.

11. The appellant shall remain present in Court on the next date of hearing along with the passbook of his savings bank account near the place of his residence as well as PAN card and Aadhaar card. The concerned bank of the

appellant is directed not to issue any cheque book or debit card to the appellant and if the same has already been issued, the bank is directed to cancel the same and make an endorsement on his passbook to this effect. The appellant shall produce the copy of this order to the concerned bank, whereupon the bank shall make an endorsement on the passbook of the appellant that no cheque book and/or debit card shall be issued to appellant without the permission of this Court.

12. Copy of this order be given *dasti* to counsel for the parties under the signatures of the Court Master.

FEBRUARY 27, 2020

ds

J.R. MIDHA, J.

