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

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Decided on: 07.01.2020.

+ MAC.APP. 980/2012

RAMJI PRASHAD

..... Appellant

Through: Mr. Santosh Chauriha, Advocate.

versus

AFSAF KHAN & ORS

..... Respondents

Through: Mr. Anand V. Khatri, proxy counsel
for R-1.

Mr. Manoj R Sinha, Advocate for
insurance company.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 11.05.2012 passed by the learned MACT in Case No. 393/08, on the ground that it has erred in computing the award of compensation, inasmuch as after having granted Rs. 15,000/- towards 'special diet and conveyance charges' and Rs. 15,000/- towards 'pain and sufferings', only Rs. 5,000/- has been added towards 'special diet and conveyance charges' in the computation. The error is apparent. The same stands corrected. It shall be read as Rs. 15,000/-.

2. The appellant seeks reimbursement of medical expenses. However, as noted in the impugned order, no medical bills have been brought on record to substantiate expenses incurred, therefore, no monies ought to be reimbursed in this regard.

3. On 17.09.2015, this Court had ordered as under:

“.....

7. *Although no sufficient cause has been shown either for nonappearance on the date fixed i.e. on 20th November, 2013 when appeal was dismissed for non-prosecution and for not filing the restoration application within a reasonable time with a view to enable the appellant to have fair opportunity to seek enhancement of compensation, the delay of 307 days in filing the restoration application is condoned. Restoration application is also allowed and the appeal is restored to its original number but with the condition that for this delay of 307 days in prosecuting the appeal i.e. from the date of dismissal of the appeal till restoration application was filed, in case of enhancement of compensation, the appellant shall not be entitled to any interest for this period.”*

4. In the circumstances, no interest shall be payable for the period of 307 days.

5. Accordingly, the amount of Rs. 44,532/-, alongwith interest accrued thereon @ 9% per annum from the date of filing of the claim petition i.e. 02.06.2008 till its realization, shall be paid by respondent nos. 1 and 2 within four weeks from the date of receipt of a copy of this order to be released to the beneficiary(ies) of the Award in terms of the scheme of disbursement specified therein.

6. Respondent no. 1 states that thus far, all the monies have been paid by him and he is a mere daily wager and does not have the wherewithal to make the aforesaid payments. Liability to pay the compensation amount, alongwith additional payable amounts, was fixed jointly and severally both

by respondent nos. 1 and 2. The owner of the car has not appeared and all monies thus far have been paid by the driver.

7. Copy of this order be served upon respondent no. 2 through the SHO of the area concerned. Compliance Report in this regard be filed on or before 21.05.2020.

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

NAJMI WAZIRI, J

JANUARY 07, 2020

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