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

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Date of Decision: 11th February, 2020

+ MAC.APP. 493/2017

NISAR AHMAD

..... Appellant

Through: Mr.S.N. Parashar, Advocate

versus

RAJENDRA KUMAR SONI & ORS (FUTURE
GENERALI INDIA INSURANCE CO LTD)

..... Respondents

Through: Mr.Rajeev M. Roy, Mr. P. Srinivasan,
Advocates for respondent No.2.

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 compensation of Rs.4,06,935/- has been awarded to the appellant. The appellant seeks enhancement of the award amount.
2. The accident dated 02nd June, 2013 resulted in fracture of both bones of right leg. The appellant remain hospitalized from 02nd June, 2013 to 27th June, 2013, 29th June, 2013 to 08th July, 2013 and 13th July, 2013 to 08th August, 2013. The appellant suffered permanent disability of 24% relating to right lower limb.
3. The Claims Tribunal awarded Rs.46,332/- towards loss of income, Rs.1,55,676/- towards loss of future income due to permanent disability,

Rs.15,000/- towards salary of attendant, Rs.5,000/- towards special diet, Rs.5,000/- towards conveyance, Rs.1,19,927/- towards medical bills, Rs.40,000/- towards pain and suffering, Rs.10,000/- towards loss of amenities of life and Rs.10,000/- towards disfiguration. Total compensation awarded is Rs.4,06,935/-.

4. Learned counsel for the appellant urged at the time of the hearing that the future prospects of 25% have not been taken into consideration for computing the loss of earning capacity of the appellant. It is further submitted that the compensation for pain and suffering, loss of amenities and disfiguration has been awarded on a lower side.

5. Learned counsel for respondent No.2 submits that the compensation awarded by the Claims Tribunal is fair and reasonable and does not warrant any interference.

6. There is merit in the contentions urged by learned counsel for the appellant. The appellant is entitled to addition of 25% towards future prospects for computation of the loss of earning capacity. The loss of earning capacity of the appellant with the addition of 25% towards future prospects is enhanced by Rs.40,000/-. The compensation for loss of amenities of life is enhanced from Rs.10,000/- to Rs.40,000/- and the compensation for disfiguration is enhanced from Rs.10,000/- to Rs.40,000/-. The appellant is entitled to total compensation of Rs.5,06,000/- (Rs.5,05,8534 rounded off).

7. The appellant present in Court along with his counsel is satisfied with the enhancement of Rs.1 lakh by this Court.

8. The appeal is allowed and the award amount is enhanced from Rs.4,06,935/- to Rs.5,06,000 /- along with interest @ 9% per annum from

the date of the institution.

9. Respondent No.2 is directed to deposit the enhanced award amount with the Registrar General of this Court within four weeks.

10. Upon deposit of the enhanced award amount, respondent No.2 shall be entitled to recover the same from respondent No.1 in terms of the award of the Claims Tribunal.

11. List for disbursement of the enhanced award amount as a part heard matter on 27th March, 2020.

12. 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 appellant shall produce the copy of this judgment 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 the appellant without the permission of this Court. However, the concerned bank shall permit the appellant to withdraw money from his savings bank accounts by means of a withdrawal form. The appellant shall produce the original passbook of his individual savings bank account with the necessary endorsement on the next date of hearing.

13. Copy of this judgment be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

FEBRUARY 11, 2020

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