

\$~A-4

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

+ MAC.APP. 1082/2013 & CM APPL.Nos.18741/2013, 35617/2016 & 17201/2019

D C P (P & L) Appellant

Through: Mr.Ankur Chhibber, Advocate

versus

MRS AMARJEETKAUR & ANR Respondents

Through: Mr.Pankaj Gupta and Ms.Amita Sachdev,
Advocates

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

%

27.01.2020

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.1,45,000/- has been awarded to the respondent No.1.
2. On 30th January, 2012, the respondent No.1, Amarjeet Kaur was standing at the Ring Road bus stand near Gurudwara Bala Sahib when she was hit by a motorcycle driven by respondent No.2. Respondent No.1 fell down on the road and suffered fracture of right humerus and fracture of both bones of forearm. Respondent No.1 was aged about 70 years at the time of the accident. The respondent No.1 was taken to Jai Prakash Narayan Apex Trauma Centre, AIIMS Hospital, New Delhi. Respondent No.1 was admitted in Lady Harding Medical College and Smt. Sucheta Kriplani Hospital, New Delhi from 30th January, 2012 till 10th February, 2012.
3. The Claims Tribunal awarded Rs.40,000/- towards medical treatment, Rs.20,000/- towards special diet and attendant charges, Rs.10,000/- towards

conveyance, Rs.50,000/- towards pain, suffering and loss of amenities of life and Rs.25,000/- towards loss of income/services. Total compensation awarded is Rs.1,45,000/-.

4. Learned counsel for the appellant urged at the time of the hearing that respondent No.2 was not negligent. It is further submitted that the compensation awarded by the Claims Tribunal is on a higher side and the same be reduced.

5. Learned counsel for respondent No.1 urged at the time of hearing that respondent No.2 was rash and negligent. It is submitted that the police registered FIR No.39/2012 at PS Sunlight Colony against respondent No.2 which resulted in the charge sheet Ex.PW-1/2 against respondent No.2 under Sections 279/338 IPC. It is further submitted that the FIR, charge sheet, site plan, arrest memo and vehicle mechanical inspection record were duly proved before the Claims Tribunal. With respect to the amount of compensation, it is submitted that the amount of compensation awarded by the Claims Tribunal is on the lower side.

6. This Court is satisfied that there is sufficient proof of rash and negligent driving on record. With respect to the amount of compensation, this Court is satisfied that the compensation awarded by the Claims Tribunal is just, fair and reasonable and does not warrant any interference.

7. The appeal is dismissed.

8. The appellant has deposited entire amount with the Registrar General of this Court in terms of the order dated 26th November, 2013.

9. Respondent No.1 expired during the pendency of this petition. Respondent No.1 is survived by her husband, Lakhbir Singh, two sons and two daughters who are substituted in her place. CM No.35617/2016 is allowed. The amended memo of parties is taken on record.

10. Mr.Lakhbir Singh @ Lakhvir Singh, husband of respondent No.1 is

present in Court and has produced pass book of his Savings Bank Account No.6023001700001046, Punjab National Bank, West Vinod Nagar, IFSC Code: PUNB0602300.

11. The Registrar General is directed to transfer the entire award amount along with interest accrued thereon to Mr. Lakhbir Singh, husband of respondent No.1 by transferring the same in the Savings Bank Account of husband of respondent No.1 within two weeks.

12. Pending applications are disposed of

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

J.R. MIDHA, J.

JANUARY 27, 2020

mamta