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

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Date of Decision: 17th February, 2020

+ MAC.APP. 168/2018 & CM No.5643/2018

SHALU MAHNA

..... Appellant

Through: Mr. Manish Maini and Mr. Ishan
Vaswani, Advocates.

versus

NASIR ALI & ORS

(NEW INDIA INSURANCE CO LTD)

..... Respondents

Through: Mr. Navdeep Singh, Advocate for R3.

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.1,78,000/- has been awarded to the appellant. The appellant is seeking enhancement of the award amount.
2. The accident dated 20th June, 2007 resulted in grievous injuries to the appellant. The appellant suffered fracture and dislocation of left ankle for which she underwent surgery at Dr. R.M.L. Hospital. The appellant was examined by a Board constituted by Deen Dayal Upadhyay Hospital and issued a certificate dated 16th January, 2012 to the effect that the appellant suffered post traumatic malunited bimalleolar fracture of left ankle with temporary physical disability of 12% (Twelve) in relation of left lower-limb.
3. The Claims Tribunal awarded Rs.20,560/- towards loss of income on account of accident, Rs.1,00,000/- towards pain and suffering, Rs.5,240/-

towards medicines and medical treatment, Rs.20,000/- towards conveyance charges, Rs.20,000/- towards special diet and Rs.12,000/- towards attendant charges. The total compensation awarded is Rs.1,78,000/- (rounded off Rs.1,77,800/-).

4. Learned counsel for the appellant urged at the time of hearing that no compensation has been awarded for loss of amenities of life and disfiguration.

5. Learned counsel for respondent No.3 submits that the compensation awarded by the Claims Tribunal is fair and reasonable.

6. The appellant is present in Court with her counsel. The appellant has also filed the photographs of her injured portion which have been perused by this Court. This Court is satisfied that the appellant is entitled to compensation of Rs.50,000/- towards loss of amenities of life and Rs.22,000/- towards disfiguration. The appellant is entitled total compensation of Rs.2,50,000/-.

7. The appeal is allowed and the compensation award is enhanced from Rs.1,78,000/- to Rs.2,50,000/- along with interest @ 9% per annum from the date of filing of the claim i.e. 01st September, 2007.

8. The enhanced compensation award be deposited by respondent No.3 with the Registrar General of this Court within four weeks. Pending application is disposed of.

9. The appellant present in Court is satisfied with the enhancement of the award amount to Rs.2,50,000/-. The appellant has produced the passbook of her savings bank account. The particulars of the same are as under:-

Shalu Mahna @ Shallo Mahna (appellant)

A/c No.10383825737

State Bank of India,

Rohtak Road Branch, New Rohtak Road, New Delhi

IFSC Code : SBIN0001422

10. Upon deposit of the enhanced compensation amount, the Registrar General is directed to transfer the enhanced compensation amount to the aforesaid savings bank account of the appellant within two weeks of the deposit.

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

FEBRUARY 17, 2020

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J.R. MIDHA, J.

न्यायमेव जयते