

\$~23

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

%

Date of Decision: 06th February, 2020

+ MAC.APP. 638/2015 & CM APPL.14294/2015

RELIANCE GENERAL INSURANCE CO LTD Appellant
Through: Mr.Arun Yadav, Advocate

versus

MOHD MADIN @ NADEEM & ORS Respondents
Through: Mr.Umesh Chandra Mishra, Advocate
for respondent No.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 compensation of Rs.5,19,576/- awarded to respondent No.1.
2. On 16th December, 2009, the respondent No.1 was driving his motor cycle when he was hit by offending truck bearing No. HR-55-H-7097 which resulted in grievous injuries and 30% visual disability.
3. The Claims Tribunal awarded Rs.60,000/- towards pain and suffering, Rs.20,000/- towards disfiguration/shortening of life span, Rs.11,859/- towards loss of income, Rs.3,84,232/- towards loss of future income due to permanent disability, Rs.20,000/- towards salary of attendant, Rs.6,000/- towards special diet, Rs.6,000/- towards conveyance, Rs.1,485/- towards medical bills and Rs.10,000/- towards litigation charges. Total compensation awarded to is Rs.5,19,576/-.

4. Learned counsel for the appellant urged at the time of the hearing that the Claims Tribunal has taken 50% future prospects while computing the loss of income whereas the future prospects of 40% should have been taking into consideration. Learned counsel for the appellant seeks reduction of the award amount to the extent of Rs.25,615/-.

5. Learned counsel for respondent No.1 urged at the time of the hearing that the future prospects have been rightly taken into consideration. It is further submitted that the compensation for pain and suffering has been awarded on a lower side. It is further submitted that no compensation has been awarded for loss of amenities of life.

6. There is merit in the contentions urged by the learned counsel for both the parties. However, no deduction is warranted in the facts and circumstances of this case considering that the reduction due to decrease in the future prospects would neutralize addition of the compensation for loss of amenities of life.

7. The appeal is dismissed. The pending application is also disposed of.

8. The appellant has deposited the entire awarded amount with the Registrar General of this Court out of which 50% amount has been released to respondent No.1.

9. List for disbursement of the balance amount to respondent No.1 on 20th March, 2020.

10. Respondent No.1 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 respondent No.1 is directed not to issue any cheque book or debit card to respondent No.1 and if the same have already been issued, the bank is

directed to cancel the same and make an endorsement on his passbook to this effect. Respondent No.1 shall produce the copy of this order to the concerned bank, whereupon the bank shall make an endorsement on the passbook of respondent No.1 that no cheque book and/or debit card shall be issued to respondent No.1 without the permission of this Court. However, the concerned bank shall permit respondent No.1 to withdraw money from his savings bank account by means of a withdrawal form. Respondent No.1 shall produce the original passbooks of his individual savings bank account with the necessary endorsement on the next date of hearing.

11. The statutory amount be refunded back to the appellant within four weeks.

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

FEBRUARY 06, 2020

dk

J.R. MIDHA, J.

सत्यमेव जयते