



\$~19

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

Date of decision: 24.08.2023

+ **MAC.APP. 352/2019**

MASTER PRATYUSH

..... Appellant

Through: Mr.Manish Maini, Ms.Yashika Miglani & Mr.Vibhor Jain, Advs.

versus

VIJAY KUMAR & ORS (UNITED INDIA INSURANCE CO LTD)

..... Respondents

Through: Mr.Pankaj Gupta, Adv. for Ms.Suman Bagga, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This appeal has been filed by the claimant/appellant challenging the Award dated 05.06.2018 passed by the learned Motor Accidents Claims Tribunal (South-West District), Dwarka Courts, New Delhi (hereinafter referred to as the 'Tribunal') in MACP No. 1126/2016, titled *Pratyush v. Vijay Kumar & Ors.*

2. The challenge of the appellant is to the compensation awarded in favour of the appellant by the learned Tribunal. The



learned counsel for the appellant submits that looking into the nature of the injuries suffered by the appellant, award of only Rs.3 lacs towards pain and suffering, mental and physical shock etc., awarded by the learned Tribunal, is entitled to be enhanced. He, in particular, draws my attention to the photographs showing the extent of the injuries suffered by the appellant.

3. He further submits that no amount has been awarded in favour of the appellant towards loss of marriage prospects either.

4. On the other hand, the learned counsel for the respondent no.3 submits that the Impugned Award warrants no interference. He submits that the appellant has suffered only 12% permanent physical disability in relation to the right lower limb. He submits that the learned Tribunal has, therefore, awarded a '*just*' compensation in favour of the appellant.

5. I have considered the submissions made by the learned counsels for the parties. The nature of injuries suffered by the appellant as a result of the motor accident, has been detailed by the learned Tribunal in its Impugned Award, as under:-

"12. NATURE AND EXTENT OF INJURIES

As per the medical treatment record, petitioner/injured Pratyush is a case of crush injury with amputation of great toe (through IP joint), 3rd toe and 4th toe (through PIP joint).

Further, as per Disability Certificate No. F.1(1)DDU/MB/2015/7715/19198 dated

Signature Not Verified

Digitally Signed By: SUNIL

Signing Date: 28.08.2023

10:41:47

MAC.APP. 352/2019



18.11.2015 issued by DDU Hospital, Hari Nagar, New Delhi, patient /injured Pratyush is a case of crush injury with amputation of great toe (through IP joint) , 3rd toe and 4th toe (through PIP joint) with 12% permanent physical disability in relation to the right lower limb.”

6. It is also admitted that the appellant was aged only around 13 years at the time of the accident.

7. Keeping in view the nature of injuries suffered by the appellant and his age, as also amputation of his great toe, 3rd toe and 4th toe, in my view, the amount awarded by the learned Tribunal on the head of '*Pain and suffering already undergone and to be suffered in future, mental and physical shock, hardship, inconvenience and discomforts etc and loss of amenities in life on account of permanent disability*', is entitled to be enhanced to Rs.5 lacs. The enhanced amount shall be inclusive of compensation for loss of marriage prospects.

8. Accordingly, the total compensation payable to the appellant would be Rs.7,86,735/- along with interest at the rate of 9% per annum from the date of filing of the Claim Petition till its deposit by the respondent no.3 before the learned Tribunal. The deposit shall be made within a period of eight weeks from today.

9. The amount already awarded by the learned Tribunal and as enhanced by this Court, shall be released in favour of the appellant in accordance with the schedule of disbursal prescribed by the learned Tribunal.



10. The appeal is allowed in the above terms. There shall be no order as to costs.

NAVIN CHAWLA, J

AUGUST 24, 2023/rv

Signature Not Verified

Digitally Signed By: SUNIL

Signing Date: 28.08.2023

10:41:47

MAC.APP. 352/2019