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

Date of decision: 06.09.2023

+ **MAC.APP. 101/2021 & CM APPL. 7020/2021**

SHRIRAM GENERAL INSURANCE CO. LTD.

..... Appellant

Through: Ms.Shalu Sisodia, Adv.

versus

JAI SINGH & ORS.

..... Respondents

Through: Mr.Navneet Goyal, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This appeal has been filed by the appellant challenging the Award dated 15.12.2020 passed by the learned Motor Accidents Claims Tribunal (North-District), Rohini Courts, Delhi in MAC Petition No.6383/2016, titled *Sh.Jai Singh v. Sh.Vinod Kumar and Ors.*

2. It was the case of the respondent no.1 herein/claimant that on 14.09.2015 at about 5:00 AM, the respondent no.1 was standing near Shed No.8, Fruit Mandi, Azadpur, Delhi, after unloading goods from a Truck bearing registration no. HR-69-3700, when the truck suddenly moved with a jerk at a high speed, hitting the petitioner. Due to the said impact, the respondent no.1 fell down and the front left wheel of the truck ran over his pelvis. The respondent no.1 was rushed to the



BJRM Hospital, from where he was referred to the Lok Nayak Hospital. In the accident, the respondent no.1 sustained multiple fractures on his left pelvic, multiple fractures on his left ankle and leg, crush injury on his pelvis and left leg, rupturing of urinary bladder, besides other injuries on various parts of his body. He was certified to have suffered 63% permanent disability in relation to his left lower limb.

3. The history of his hospitalisation and treatment, due to the injuries suffered, has been given in detail by the respondent no.1 before the learned Tribunal. The relevant extract from the Award is as under:-

“MEDICAL EXPENSES

15. PW1 Sh. Jai Singh i.e. injured himself, has deposed in his evidence by way of affidavit (Ex. PW1/A) that after the accident, he was taken to BJRM Hospital and since his condition was very serious, he was referred to Lok Nayak Hospital where he remained admitted from 15.09.2015 to 10.11.2015. During the period of hospitalisation surgery was performed whereby his urinary track and ruptured bladder was repaired. It is stated that the petitioner remained admitted in Lok Nayak Hospital from 15.09.2015 to 10.11.2015 and from 03.03.2016 to 06.03.2016 and there after in BSA Hospital from 19.09.2016 to 01.10.2016, 13.12.2016 to 15.12.2016, 28.02.2017 to 22.03.2017 and from 11.07.2017 to 21.07.2017 and in SMS Hospital Jaipur from 04.06.2018 to 30.07.2018, 05.10.2018 to 05.10.2018, 10.12.2018 to 07.01.2019 and from 01.07.2019 to 31.07.2019....”



4. Based on the evidence led by the parties before the learned Tribunal, the learned Tribunal has awarded the following compensation to the respondent no.1:-

1.	Medical Expenses	Rs.45,700/-
2.	Loss of Income	Rs.2,17,152/-
3.	Pain and Suffering	Rs.2,00,000/-
4.	Loss of general amenities and enjoyment of life	Rs.3,00,000/-
5.	Conveyance, special diet and attendant charges	Rs.60,000/-
6.	Loss of future income	Rs.9,50,000/-
	<u>Total</u>	Rs.17,72,852/-
	<u>Rounded off to</u>	Rs.17,73,000/-

5. The learned Tribunal has also directed the appellant herein to pay interest at the rate of 9% per annum in favour of the respondent no.1, with effect from the date of filing of the Claim Petition before it, that is, 10.05.2016, till the date of the realisation of the compensation amount.

COMPENSATION UNDER NON-PECUNIARY HEADS

6. The challenge of the appellant to the Impugned Award is on Rs.2,00,000/- awarded by the learned Tribunal in favour of the respondent no.1 towards '*pain and suffering*'; and Rs.3,00,000/- awarded for '*loss of general amenities and enjoyment of life*'. The learned counsel for the appellant submits



that the said amount is exorbitant and is liable to be reduced to not more than Rs.1,00,000/- in total.

7. On the other hand, the learned counsel for the respondent no.1, drawing my reference to the nature of the injuries suffered by the appellant and the period of his hospitalisation, submits that the above amount is reasonable.

8. I have considered the submissions made by the learned counsels for the parties.

9. The nature of injuries suffered by the respondent no.1 and his period of hospitalisation has been reproduced hereinabove. The respondent no.1 has also suffered 63% permanent disability in relation to his left lower limb. To prove the same, Dr.Navneet Goel, Specialist Orthopaedics, BSA Hospital, Delhi was examined by the respondent no.1 as PW-3.

10. Keeping in view the above circumstances, I find the compensation awarded by the learned Tribunal in favour of the respondent no.1 on the heads '*pain and suffering*' and '*loss of general amenities and enjoyment of life*' to be reasonable and not warranting any interference of this Court.

INTEREST

11. The appellant further challenges the award of interest on the compensation amount at the rate of 9% per annum in favour of the respondent no.1 by the learned Tribunal. The learned counsel for the appellant submits that interest not more than 5%



per annum should have been awarded in favour of the respondent no.1.

12. In *National Insurance Co. Ltd. v. Yad Ram and Others*, 2023 SCC OnLine Del 1849, the Court has held that though it is the discretion of the learned Tribunal to award the rate of interest on the compensation awarded, at the same time, it must be based on some objective criteria.

13. In the present case, the appellant has not filed any material in support of its objection to the rate of interest awarded by the learned Tribunal, in form of the rate of interest as was prevalent at the date of the accident or at the date of the Award. As noted hereinabove, the accident had taken place on 14.09.2015, while the Award was passed on 15.12.2020.

14. Keeping in view the above, I find the rate of interest awarded by the learned Tribunal to be reasonable and not warranting any interference of this Court.

15. I, therefore, find no merit in the objections raised by the appellant and the same are rejected.

CONCLUSION:

16. In view of the above, I find no merit in the present appeal. The same, along with the pending application, is accordingly dismissed.

17. The statutory amount deposited by the appellant along with interest accrued thereon be released to the appellant.



18. By the order dated 22.02.2021, this Court had directed as under:-

“7. In the meantime, appellant shall deposit the entire awarded amount with the Tribunal within a period of three weeks from today and on deposit of the said amount, the Tribunal shall disburse the awarded amount less a sum of Rs.4,00,000/- awarded under the heads of 'Pain and Suffering' and 'Loss of General Amenities and Enjoyment of Life' and by taking the rate of interest at 6% per annum as per the scheme of disbursal stipulated in the Award. Remaining amount shall be kept in an interest-bearing fixed deposit.”

19. As the appeal stands dismissed, the remaining amount deposited by the appellant with the learned Tribunal be also released in favour of the respondent no.1, in accordance with the schedule of disbursal stipulated by the learned Tribunal in the Impugned Award.

NAVIN CHAWLA, J

SEPTEMBER 6, 2023/rv/ss