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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 19.09.2023

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MAC.APP. 293/2019

RUBINA

..... Appellant

Through: Mr. Shekhar Aggarwal, Adv.

versus

DHARMEDER SINGH & ORS (NATIONAL INSURANCE COMPANY LTD)

..... Respondents

Through: Ms. Archana Gaur &
Ms. Ridhima Gaur, Advs. for
NIC.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This appeal has been filed challenging the Award dated 01.06.2018 passed by the learned Motor Accident Claims Tribunal, East District, Karkardooma Courts, Delhi (hereinafter referred to as the 'Tribunal') in MAC No. D-878/2016 titled ***Rubina v. Dharmender Singh and Ors..***

2. It is the case of the appellant/claimant herein that on 13.08.2016 at 8:00 AM, Mohd. Faruk was riding a motorcycle bearing no. DL 14 SF 4253, with his grandmother Smt. Hamidan and the appellant herein as pillion riders, when a heavy goods vehicle, described as a petrol tanker bearing

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registration No. DL 1GC 4931, being driven in a rash and negligent manner by the respondent no.1, suddenly swerved towards the right side and hit the motorcycle. Smt. Hamidan died as a consequence of the said accident, while Mohd. Faruk and the appellant herein sustained injuries.

3. The injury suffered by the appellant is described in the Impugned Award as under:-

“45. As noted in MLC, Ms. Rubina was examined at 8.40 a.m. on 13.08.2016 in S.D.N. Hospital, Dilshad Garden, Delhi as a case of road traffic accident (RTA). On examination, she had swelling with tenderness over dorsum of foot. She was diagnosed to have suffered 'fracture navicular left'. Navicular bone is one of the tarsal bones of the foot. Nature of injury is 'grievous'. She suffered infection of wound on her lower leg. She did not require hospitalization. She received treatment as an outdoor patient.”

4. For the injuries suffered by the appellant in the accident in question, she was awarded Rs.15,000/- towards pain and suffering, and Rs.12,350/- on account of loss of income for one month. She was also awarded a sum of Rs.13,000/- under the head of medical expenses and Rs.5,000/- towards special diet and conveyance.

5. The learned counsel for the appellant submits that keeping in view the fact that the appellant had suffered grievous injuries in the accident in question, the compensation awarded by the learned Tribunal deserves to be enhanced.



6. I am unable to find any merit in the submission made by the learned counsel for the appellant. The learned Tribunal has given cogent and valid reasons and justification for determining the compensation payable to the appellant for the injuries suffered by her in the accident in question. The compensation awarded is just and reasonable and deserves no interference from this Court.

7. Accordingly, I find no merit in the present appeal. The same is dismissed. There shall be no order as to costs.

NAVIN CHAWLA, J

SEPTEMBER 19, 2023/rv/AS

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