



2024:DHC:10155



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 06th December, 2024

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MAC.APP. 416/2023 & CM APPL. 45602/2023**HRTC NALAGARH ORS & ANR.**

.....Appellants

Through: Mr. Himanshu Tyagi, Advocate
through VC.

Versus

VIJAY RAM

.....Respondent

Through: Mr. Manish Maini & Ms. Divya
Saini, Advocates.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****JUDGMENT (oral)**

1. The present Appeal under *Section 173 of the Motor Vehicles Act, 1988* has been filed on behalf of the Appellants against the Award dated 01.03.2023 *vide* which a compensation in the sum of Rs. 1,62,000/- along with interest @ 7% per annum to the Respondent/Claimant Vijay Ram, on account of injuries suffered by him in a road accident which took place on 03.04.2018.
2. *The sole ground of challenge* is that admittedly the injured remained in the hospital for one day and was discharged on the same day despite which the learned Claim Tribunal has granted excessive compensation to the Respondent/Claimant under various heads. Therefore, the same may be reconsidered and the quantum of Award may be reduced.
3. *Learned counsel for the Respondent/Claimant* submits that the compensation has been granted to the Respondent/Claimant as he had suffered multiple injuries including *Undisplaced fracture radius (left)*, and *Abrasions and blunt injuries all over body*. Therefore, the compensation has



2024:DHC:10155



been granted to the Respondent/Claimant in accordance with law and the same does not warrant any interference.

4. **Submissions heard.**

5. **Briefly stated**, on 03.04.2018 at around 3:58 p.m., the deceased Shri Harish Pandey and the injured, Shri Vijay Ram (*the Claimant*) were going the scooty bearing No. DL11-SV-1171 being driver by the deceased. When they reached near Khampur red light, opposite the bus stand, GTK Road while going towards bypass, Delhi, one bus bearing No. HP12-H-7433 (*the offending vehicle*) collided with the scooty in which Shri Vijay Ram, the Claimant suffered grievous injuries.

6. An FIR No. 150/18 was filed under *Sections 279/337 of the Indian Penal Code, 1860* at PS Alipur. Subsequently, Detailed Accident Report was also filed in both the cases on 03.04.2018.

7. **The sole ground of challenge** is that the injured, Shri Vijay Ram remained in the hospital for only one day and thus, the compensation given to the Respondent/Claimant under various heads is excessive.

8. Admittedly, PW-2, Shri Vijay Ram (*the injured*) was taken to SRHC Hospital, Narela, Delhi where he was examined and discharged on the same day. He had suffered '*Undisplaced Fracture Radius (left), Tenderness on left wrist, profuse bleeding and abrasions and blunt injuries all over body*'

9. The injured stated that he visited the hospital multiple times and spent Rs. 5000/- on his medical treatment but has not filed any document in this regard. It cannot be overlooked that an injured who has suffered multiple injuries, would incur medical expenses on the treatment. Merely because he has not been able to prove or present the bills, it cannot be said that there



2024:DHC:10155



was no expenditure incurred on the treatment.

10. The learned Tribunal in its wisdom has granted no compensation on account of medical expenses. However, since no Appeal has been preferred by the Injured, the findings returned are not being interfered with.

11. The Injured has claimed that he was working as a Chole Kulche vendor at Narela, Delhi but since there was no prove of educational qualification or of his occupation, the *minimum wages of unskilled worker for three months* were taken and a compensation **in the sum of Rs.41,688/- (Rs. 13,896/- X 3 months) and “Loss of Income”** has been awarded.

12. The learned Tribunal has rightly taken the Minimum Wages of unskilled worker @ Rs.13,896/- per month and granted the “Loss of Income” for a period of three months, and has thus, rightly granted in the sum of Rs.41,688/- and it does not merit any interference.

13. Further the Tribunal has granted *a sum of Rs.50,000/- towards “Pain and Sufferings”*, which cannot be held to be excessive. Likewise, compensation of *Rs.40,000/- towards “Loss of General Amenities and Enjoyment of Life”* cannot be considered as excessive.

14. Similarly, amount of *Rs.10,000/- awarded towards “Conveyance Special Diet and Attendant Charges”* cannot be considered as excessive.

15. The Compensation awarded to Respondent/injured - Shri Vijay by the learned Tribunal, does not call for any interference. There is no merit in the Appeal, which is hereby dismissed. The statutory amount if deposited , be returned to the Appellant.

16. The Appeal stands disposed of accordingly along with the pending Applications(s), if any.



2024:DHC:10155



(NEENA BANSAL KRISHNA)
JUDGE

DECEMBER 6, 2024
S.Sharma /r