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

+ **MAC.APP. 928/2018**

MANJU

.....Appellant

Through: Mr. Somnath Parashar, Advocate
through VC.

versus

**DEEPAK SHARMA & ORS (IFFO TOKIO GENERAL
INSURANCE CO LTD)**

.....Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

02.12.2024

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1. The Appeal under Section 173 of the Motor Vehicles Act, 1988 has been filed on behalf of the Appellant seeking enhancement of the compensation granted in the sum of Rs. 7,03,000/- along with interest @ 9% per annum *vide* Award dated 06.01.2018 on account of injuries suffered by the Appellant in a road accident.
2. Present none of the Respondents.
3. Opportunity is given for arguments.
4. The Claim Petition bearing MACT No. 6206/2016 under Section 166 read with Section 140 of the Motor Vehicles Act, 1988 had been filed on behalf of the Appellant to claim compensation.
5. ***Briefly stated***, on 02.06.2015, the Appellant along with her husband Shri Sachin Kumar (deceased), was going on a motorcycle bearing No. DL 8S Am 6575 to their residence at Village Khurd, Delhi from Shahbad Dairy Delhi. At about 07:30 P.M., when they reached at 80 Foota road, Sector-28



Rohini, near CNG Pump, Delhi, the offending vehicle i.e., Santro Car bearing No. DL 3CV 1225, driven by Respondent No. 1-Deepak Sharma in a rash and negligent manner, hit the motorcycle from the front side with great force. Due to forceful impact, the Appellant and her husband both fell on road and sustained grievous injuries. They were taken to Dr. Baba Saheb Ambedkar Hospital for treatment. The FIR bearing No. 660/2015 under Sections 279/337/338/304A of the Indian Penal Code, 1860 was registered at Police Station Shahbad Dairy, Delhi.

6. *The main ground* on which the Appellant has sought the enhancement of the compensation amount is that she is a housewife and was aged 28 years at the time of accident. She has suffered permanent disability of 22% of both limbs and pelvis, however, her functional disability has been taken as 11% which at least should have been taken as 22%.

7. **Submissions heard.**

8. The Disability Certificate issued by Satyawadi Raja Harishchandra Hospital, Narela, Delhi, Ex. PW4/A, certifies that the Appellant has suffered 22% permanent disability of both lower limbs and pelvis.

9. It is not under challenge that the Appellant is a housewife and was 28 years old at the time of accident. There is no evidence whatsoever led by the Appellant about the extent of inability to continue her household work, does she encounter. However, the functional disability should at least be taken as 22%.

10. Accordingly, the compensation towards *loss of future income* is re-calculated as under: -

Rs. 12,667.20 x 12 x 17 x 22/100 = Rs. 5,68,503.936/- (rounded off to Rs. 5,68,510/-



11. The other ground for enhancement of the compensation is that the compensation under the Non-Pecuniary Heads has been insufficiently granted. The Appellant has been awarded *pain and suffering* in the sum of Rs. 50,000/-. **Looking at the nature of injuries suffered by the Appellant and the permanent disability, the said amount is hereby enhanced to Rs. 1,00,000/-.**

12. Similarly, the *loss of enjoyment of life* is also enhanced to Rs. 1,00,000/- **from Rs. 50,000/-.**

13. Insofar as the compensation towards *disfigurement* is concerned, the same is granted in the sum of Rs. 50,000/-, which requires an enhancement.

14. Accordingly, the Award dated 06.01.2018 is hereby modified as under: -

S. No.	Particulars	Sum already granted	Amount Enhanced
1.	Medical expenses	Rs. 1,64,299/-	Rs. 1,64,299/-
2.	Special Diet	Rs. 30,000/-	Rs. 30,000/-
3.	Conveyance	Rs. 20,000/-	Rs. 20,000/-
4.	Loss of future earnings	Rs. 2,84,251.96/-	Rs. 5,68,510/-
5.	Loss of earning during treatment	Rs. 27,144/-	Rs. 27,144/-
6.	Attendant charges	Rs. 27,144/-	Rs. 27,144/-
7.	Pain & suffering	Rs. 50,000/-	Rs. 1,00,000/-
8.	Loss of enjoyment of life	Rs. 50,000/-	Rs. 1,00,000/-
9.	Disfigurement	Rs. 50,000/-	Rs. 50,000/-
TOTAL		Rs. 7,02,838.96	Rs. 10,87,097/-



	Rounded up as Rs. 7,03,000/-	along with interest @ 9% per annum
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15. Accordingly, the present Appeal is hereby disposed in the above terms.

NEENA BANSAL KRISHNA, J

DECEMBER 2, 2024
S.Sharma