
(2017) 09 DEL CK 0343
In the Delhi High Court
Case No : MAC. Appeal No. 279 Of 2017

Kishore Singh

APPELLANT

Vs

Mithlesh Kumar & Ors

RESPONDENT

Date of Decision : 19-09-2017

Acts Referred:

Citation : (2017) 09 DEL CK 0343

Hon'ble Judges : R.K.Gauba, J

Bench : Single Bench

Advocate : S.N. Parashar, Pankaj Kumari, C.S. Parashar

Final Decision : Disposed Of

Judgement

R.K.Gauba, J

1. The appellant having suffered injuries in a motor vehicular accident that occurred on 18.07.2013 involving the negligent driving of a truck bearing registration no.HR-38P-7774 had instituted accident claim case (suit no.313/2013) on 12.11.2013, on which, after inquiry, by judgment dated 01.07.2016, the Motor Accident Claims Tribunal (Tribunal) awarded compensation in the total sum of Rs.4,96,757/-directing the third respondent / insurer of the offending vehicle to pay with interest at the rate of 9% p.a., the said amount inclusive of Rs.30,000/- towards pain and suffering, Rs.10,000/- towards loss of amenities and enjoyment of life and Rs.20,000/- towards disfigurement.
2. By the appeal at hand, the claimant prays for enhancement of the award under the aforesaid three heads of non-pecuniary damages.
3. It is noted that the injuries suffered included fracture in the left femur bone, which has rendered him permanently disabled, his disability having been

described by a board of doctors of Pandit Madan Mohan Malviya Hospital, Govt. of NCT of Delhi vide disability certificate (Ex. PW1/4) dated

26.12.2015 to be 30% in relation to the left lower limb. The tribunal has assessed the functional disability on the basis of such material, and in view of

the nature of avocation of the claimant, at 15% and has granted the award inclusive on account of future earning capacity loss due to disability.

4. Against this backdrop, and in view of the prolonged treatment that the claimant had to undergo, awards under the above mentioned three heads of

non-pecuniary damages being inadequate, the same are increased to Rs.50,000/- each. Thus, there shall be a total increase in the compensation by an amount of [Rs.1,50,000/- (-) Rs.60,000/-] Rs.90,000/- (Rupees ninety thousand only).

5. The total amount is raised to [Rs.4,96,757/- + Rs.90,000/-] Rs.5,86,757/-, rounded off to Rs.5,87,000/- (Rupees Five lakh and eighty seven thousand

only). It shall carry interest as levied by the tribunal.

6. The insurance company is directed to satisfy the enhanced award by requisite deposit with the tribunal within 30 days making it available to be

released to the claimant.

7. The appeal is disposed of in above terms.