

(2013) 10 DEL CK 0214
In the Delhi High Court
Case No : MAC. APP. 812 of 2013

Leela Singh

APPELLANT

Vs

Bahadur and Others

RESPONDENT

Date of Decision : 28-10-2013

Acts Referred:

Citation : (2013) 10 DEL CK 0214

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Shoumik Mazumdar for Mr. Pratap Singh, for the Appellant;

Final Decision : Dismissed

Judgement

Suresh Kait, J.—The instant appeal was listed for the first time on 02.09.2013 before this Court, when at the request of counsel for the appellant; this matter was adjourned to 09.09.2013. On the said date also, at the request of learned counsel for the appellant, the matter was adjourned for today, i.e., 28.10.2013.

2. However, notice has not yet been issued in this appeal.

3. Learned counsel appearing on behalf of the appellant is again seeking an adjournment which has been declined by this court.

4. Vide the impugned award dated 21.08.2012, the learned Tribunal has granted compensation for a sum of Rs. 59,412/- with interest at the rate of 9% per annum from the date of filing of the petition till realization.

5. The present appeal is filed for enhancement of the above noted compensation on the ground that the learned Tribunal has erred in considering loss of income and the compensation granted towards non-pecuniary heads is also on the lower side. Rate of interest granted by the learned Tribunal is also challenged by the appellant being on lower side.

6. On perusal of the impugned award, it is emerged that the appellant has filed

bills for an amount of Rs. 2,015.02 towards medical expenses and the same being connected with the treatment of the injuries received by the appellant in the accident in question were allowed by the learned Tribunal after rounded to Rs. 2,100/-.

7. No evidence in regard to the income/loss of income has been led by the appellant and in the cross-examination, it is stated that he was working with an Advocate and earning Rs. 10,000/- per month. However, the learned Tribunal in absence of any record regarding the salary, considered the income of the appellant on the basis of minimum wages as Rs. 6,656/- per month, prevalent at the relevant time.

8. Accordingly, keeping in view the nature of injuries, learned Tribunal granted Rs. 13,312/-towards loss of income for a period of two months.

9. As the appellant had suffered fracture of humerus bone, fracture of base of one metatarsal and has been under treatment for about three months, therefore, a lump sum amount of Rs. 35,000/- towards pain and suffering was allowed by the learned Tribunal in favour of the appellant.

10. Therefore, keeping in mind the nature of the injuries, I am of the opinion that the learned Tribunal has rightly granted the compensation along with interest @ 9%. Thus, I do not find any discrepancy in the award passed by the learned Tribunal.

11. Hence, there is no reason to enhance the compensation amount. In view of the above, the present appeal is dismissed.

CM Nos. 13472/2013 (for exemption) & 13473/2013 (for delay)

With the dismissal of the appeal itself, both these applications have become infructuous. The same are dismissed accordingly.