(2017) 12 DEL CK 0165

In the Delhi High Court

Case No : MAC. Appeal No. 1170 Of 2012, 589 Of 2013, Civil Miscellaneous No. 18939 Of 2012

New India Assurance Company Ltd APPELLANT

Vs

Ashwini @ Sonu & Ors RESPONDENT

Date of Decision : 06-12-2017

Acts Referred:

Citation : (2017) 12 DEL CK 0165

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

Bench : Single Bench

Advocate : Praveen Sehrawat, Abhishek Kumar, O.P. Mannie

Final Decision : Disposed Of

Judgement

A. PECUNIARY DAMAGES (SPECIAL DAMAGES),

Medical Bills & Expenses,"Rs.14,885/-

Special diet,"Rs.10,000/-

Conveyance charges,"Rs.10,000/-

Loss of Incom,"Rs.22,314/-

Future loss of income,"Rs.4,81,982/-

B. NON PECUNIARY DAMAGES (GENERAL DAMAGES,

Loss of amenities and enjoyment of life,"Rs.50,000/-

Loss of marriage prospects and shortening of life,"Rs.70,000/-

Pain and suffering, inconvenience, frustration, hardship and trauma","Rs.70,000/-

TOTAL,"Rs.7,29,181/-

14. The total compensation in the case is, therefore, reduced to [Rs.7,29,181/-

(-) Rs.1,77,057/-] Rs.5,52,124/-, rounded off to Rs.5,53,000/- (Rupees",

Five lakh and fifty three thousand only).,

15. It is noted that the rate of interest is on the lower side. Following the consistent view taken by this Court, the rate of interest is increased to 9% per",

annum from the date of filing of the petition till realization. [see judgment dated 22.02.2016 in MAC.APP. 165/2011,

16. By order dated 07.11.2012 on MACA 1170/2012, the insurance company had been directed to deposit 75% of the awarded amount with up-to-",

date interest with UCO Bank, Delhi High Court Branch and from out of such deposit, fifty percent (50%) was allowed to be released to the claimant.",

The Registry shall calculate the balance of the amount payable to the claimant in terms of the modification ordered above and release the same from,

the remainder held back in deposit refunding the excess, if any, to the insurer. If there is any deficiency in the deposit, the insurer will be obliged to",

deposit the same with the tribunal within 30 days making it available to be released to the claimant.,

17. The statutory amount paid by the insurer shall be refunded after proof is shown of the award having been satisfied.,

18. Both appeals and the pending application stand disposed of in above terms.,

