
(2018) 01 DEL CK 0044

In the Delhi High Court

Case No : 48 of 2013

RAJESH KUMAR SAH

APPELLANT

Vs

YOGESH KAUSHIK & ORS.

RESPONDENT

Date of Decision : 11-01-2018

Acts Referred:

[Motor Vehicles Act, 1988](#), [Section 166](#),
[Section 166](#) - Application for compensation

Citation : (2018) 01 DEL CK 0044

Hon'ble Judges : R.K.Gauba

Bench : Single Bench

Advocate : A.K. Soni

Final Decision : Dismissed

Judgement

1. The appellant was the claimant before the motor accident claims tribunal, in accident claim case (Suit No.885/2010), instituted on 17.11.2009, seeking compensation under Section 166 of the Motor Vehicles Act, 1988, for the injuries suffered in a motor vehicular accident that had occurred on 21.06.2009, due to negligent driving of Santro car bearing registration No.UP-13M-5958, admittedly insured against third party risk for the period in question with the second respondent (the insurer). The tribunal held inquiry by clubbing this case with another accident claim case arising out of the same accident and, by common judgment dated 16.10.2012, awarded compensation. It determined the compensation payable to the claimant in the sum of Rs.45,500/-, calculating it thus:-

Sl.No.

Head Amount (in Rs.)

1.

Medical expenses 19,000/-

2.

Pain and sufferings and enjoyment of life 10,000/-

3

Special diet, attendant & conveyance 5,500/-

4.

Loss of income 11,000/-

Total 45,500/-

2. The claimant feeling aggrieved by the above mentioned compensation filed the present appeal seeking enhancement.

3. The appeal was put in the list of "regulars" as per order dated 18.02.2015. When it is called out for hearing, there is no appearance on behalf of the appellant. The learned counsel for the insurer has been heard and with his assistance record perused.

4. The claimant had proved the medico-legal certificate (Ex.PW- 1/10) which reflects the injuries suffered by him to be inclusive of lacerated wounds over the left ankle, left elbow region and right frontal area. The document or other material submitted do not indicate any grievous injuries suffered. There is no case made out of any after effect in the nature of disability, permanent or temporary. In these circumstances, the award granted by the tribunal is found to be just and proper.

5. The appeal is dismissed.