
(2009) 12 DEL CK 0285

In the Delhi High Court

Case No : MAC. APP. No. 414 of 2008

United India Insurance Co. Ltd.

APPELLANT

Vs

Sunil Kumar and Others

RESPONDENT

Date of Decision : 14-12-2009

Acts Referred:

Citation : (2009) 12 DEL CK 0285

Hon'ble Judges : J.R. Midha, J

Bench : Single Bench

Advocate : L.K. Tyagi, for the Appellant; M. Awasthi, for R-1, for the Respondent

Final Decision : Dismissed

Judgement

J.R. Midha, J.—The appellant has challenged the award of the learned Tribunal whereby compensation of Rs. 22,20,521/- has been awarded to respondent No. 1.

2. The accident dated 15th December, 2005 resulted in grievous injuries to respondent No. 1. Respondent No. 1 was driving car bearing No. DL-8C-F-4290 while coming from Roorkee to Delhi. The car of respondent No. 1 was hit by truck bearing No. HR-38-3000 at Mansoorpur in District Muzaffar Nagar. Respondent No. 1 went into coma after the accident. Respondent No. 1 was taken to District Dispensary at Muzzafar Nagar, U.P. then to Dr. M. Prakash Hospital at Meerut where he remained for six days and thereafter shifted to Sunder Lal Jain Hospital, Delhi. After four days, he was referred to Saroj Hospital where he remained in coma for two months. He was unable to identify anybody. His fractured hand could not be operated upon due to his body condition. He has become 100% permanent disabled due to the accident in question.

3. Respondent No. 1 has been brought in Court in wheel chair. He is 100% disabled and does not recognize anybody. Respondent No. 1 was 25 years old at the time of the accident and was working with M/s C.P. Systems Private Limited at a salary of Rs. 5,800/- per month. The learned Tribunal took the future

prospects into consideration and applied the multiplier of 17 to compute the loss of dependency at Rs. 17,74,800/-. The learned Tribunal awarded Rs. 1,00,000/- towards pain and suffering, Rs. 1,00,000/- towards attendant charges and Rs. 20,000/- towards special diet and conveyance. The total compensation awarded is Rs. 22,20,521/-.

4. The only ground urged by learned Counsel for the appellant at the time of hearing of this appeal is that the income of respondent No. 1 was not sufficiently proved.

5. The learned Counsel for respondent No. 1 submits that the employer of respondent No. 1 came in the witness box as PW-2 and he proved the salary of respondent No. 1 by salary certificate, Ex.PW2/1.

6. In that view of the matter, there is no merit in the contention raised by the appellant.

7. It is noted that the learned Tribunal has not awarded any compensation for loss of amenities of life, disfiguration as well loss of matrimonial prospects to which respondent No. 1 is entitled too. Although Rs. 1,00,000/- has been awarded for attendant charges but no compensation has been awarded to respondent No. 1 for future treatment. Respondent No. 1 is 100% disabled and is leading a vegetable life. He is staying at Himachal Pradesh, District Mandi with his mother and brother and expenses are being incurred on his day to day care. The amount awarded by the learned Tribunal needs enhancement. However, since no cross-objections has been filed by respondent No. 1, no further order is required to be passed in this appeal.

8. At this stage, the mother of respondent No. 1 submits that she is illiterate lady and was not aware and was not advised properly as to the rights of respondent No. 1 to seek enhancement. The mother of respondent No. 1 seeks liberty to file appeal to seek enhancement of the award amount.

9. In the facts and circumstances of this case, the appeal is dismissed.

10. The appellant has deposited the entire award amount with the Registrar General of this Court out of which 50% has already been released to respondent No. 1. With respect to the remaining 50% lying with the Registrar General, the Registrar General is directed to release Rs. 1,00,000/- to respondent No. 1 through his mother and the remaining amount be kept in fixed deposit with UCO Bank, Delhi High Court Branch for a period of five years on which monthly interest be paid to the mother of respondent No. 1.

11. The interest on the aforesaid fixed deposit shall be paid monthly by automatic credit of interest to the mother of respondent No. 1 in her Savings Bank Account bearing No. 21400110001059 at Village Devbrarta P.O. Devbrarta, Tehsil: Sarkaghat, District Mandi, Himanchal-175024.

12. The learned Counsel for respondent No. 1 submits that respondent No. 1 has

visited Delhi only to attend this case and, therefore, if the amount is released within a period of one week, respondent No. 1 would be saved from the botheration of visiting Delhi again.

13. The Registry is directed to release the balance award amount to respondent No. 1 in terms of this order within one week.

14. Copy of this order be given "Dasti" to learned Counsel for both the parties under signature of Court Master.