

(2009) 04 DEL CK 0373

Delhi High Court

Case No: Mac. App. 441 of 2005

Anup Suri

APPELLANT

Vs

Vipul Tiwari and Others

RESPONDENT

Date of Decision: April 28, 2009

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

Bench: Single Bench

Advocate: Party in Person, for the Appellant; Pradeep Gaur, for the Respondent

Final Decision: Allowed

Judgement

J.R. Midha, J.

The appellant has challenged the award of the learned Tribunal whereby the compensation of Rs. 76,000/- has been awarded to her. The appellant seeks enhancement of the award amount.

2. The accident dated 10th January, 1996 resulted in the injuries to the appellant. The appellant was 7 years old at that time and was crossing the road when she was hit by the Maruti Car. The appellant fell down and the front wheel of the car passed on her right foot. The appellant was rushed to the Jaipur Golden Hospital where she was operated upon. The permanent disability has been assessed to be 3%. The appellant's foot has deformed due to the accident and she limps while walking and her matrimonial prospects have certainly been affected adversely by the accident.

3. The learned Tribunal has not awarded any amount towards loss due to reduction of matrimonial prospects. The learned Tribunal has also not awarded any compensation for loss of amenities of life. The compensation under the head of mental pain and sufferings and for permanent disability is on a lower side.

4. Considering the facts and circumstances of this case, the compensation of Rs. 35,000/- is awarded for loss due to reduction of matrimonial prospects and Rs. 25,000/- towards loss of amenities of life. The compensation for mental pain and sufferings is enhanced from Rs. 20,000/- to Rs. 30,000/- and the compensation for

permanent disability is enhanced from Rs. 10,000/- to Rs. 25,000/-. The appellant is entitled to the total compensation of Rs. 1,61,000/-.

5. The appeal is allowed and the award amount is enhanced from Rs. 76,000/- to Rs. 1,61,000/-. The learned Tribunal has awarded interest at the rate of 9% per annum. The rate of interest is not disturbed on the original award amount of Rs. 76,000/-. However, on enhanced amount of Rs. 85,000/-, the rate of interest shall be 7.5% per annum from the date of filing of the petition till payment.

6. Respondent No. 3 is directed to deposit the enhanced award amount along with interest thereon with the learned Tribunal within 30 days.

7. The learned Tribunal is directed to release Rs. 25,000/- to the appellant. The remaining amount be kept in fixed deposit with cumulative interest initially for a period of 5 years. The appellant is given liberty to approach the learned Tribunal as and when her marriage is fixed by the parents.

8. This Court records the appreciation for Mr. Pradeep Gaur who effectively assisted in the case to arrive at the just compensation.

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