

## Nidhi @ Mona Vs Ajeet Kumar Jindal and Others

**Court:** Delhi High Court

**Date of Decision:** March 1, 2012

**Hon'ble Judges:** G.P. Mittal, J

**Bench:** Single Bench

**Advocate:** Manish Maini, for the Appellant; Pankaj Seth, Advocate for the Respondent No. 3 Insurance Company, for the Respondent

**Final Decision:** Allowed

### Judgement

G.P. Mittal, J.

The Appeal is for enhancement of compensation of Rs. 1,28,645/- awarded to the Appellant for having suffered injuries in

an accident which occurred on 09.04.2006.

2. The Appellant suffered following injuries:

- Serious Head Injury

- Fracture (Right) femur bone (Shaft)

- CLW over left occipital region of Scalp

- As per CT Scan :- Contusional Hematomas in both basi- frontal Lobes & Right Temporal region, sub-dural hematoma in occipital region,

fracture of occipital bone

- Fracture femur bone treated with I/L Nailing

- Profusely bleeding

- Abrasions and blunt injuries all over body.

3. It is urged by the Learned Counsel for the Appellant that the Appellant suffered from Paraosmia, a condition which impairs tastes and smell

sensation. A certificate Ex. PW2/11 issued by Dr.(Brig) Ved Prakash, Consultant Neurosurgeon to this effect was proved by the Appellant.

4. The Learned Counsel for the Appellant submits that the Appellant was working from home as she was giving tuitions and carrying out medical

transcription work on contract basis. She was earning Rs. 8,000/- per month. She proved the certificates Exhibits PW2/74 to PW2/78 regarding

her qualification, including Oracle Course and a certificate issued by SAR Institute of Medical Transcription, Rohini. It is urged that the Appellant

was unable to attend to the work for a period of seven months.

5. With the nature of injuries suffered, it can be assumed that the Appellant must have been incapacitated to work for at least two months.

6. The compensation needs to be enhanced. The compensation is re-assessed as under:

S.No.Head of Compensation Granted by the Claims TribunalGranted by this Court

1. Compensation on account of Medicines/TreatmentRs. 76,645/- Rs. 76,645/-

2. Loss of Amenities in Life Rs. 15,000/- Rs. 25,000/-

3. Pain and Suffering Rs. 25,000/- Rs. 25,000/-

4. Conveyance and Special Diet Rs. 12,000/- Rs. 12,000/-

5. Loss of Work for Two months( Rs. 8000 X 2) - Rs. 16,000/-

Total Rs. 1,28,645/- Rs. 1,54,645/- R

7. The overall compensation is thus enhanced from Rs. 1,28,645/- to Rs. 1,54,645/- which shall carry interest @ 7.5% per annum from the date

of filing of the Petition till the date of payment.

8. The Respondent No. 3 the ICICI Lombard General Insurance Company Ltd. is directed to deposit the enhanced amount of Rs. 26,000/- along

with interest within six weeks with the Registrar General of this Court.

9. The amount shall be released to the Appellant on deposit.

10. The Appeal is allowed in above terms.