

(2012) 03 DEL CK 0524

Delhi High Court

Case No: MAC. APP. No. 153 of 2009

Nidhi @ Mona

APPELLANT

Vs

Ajeet Kumar Jindal and Others

RESPONDENT

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 contact 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 Tribunal	Granted by this Court
1.	Compensation on account of Medicines/Treatment	Rs. 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.