

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

MAC.APP. No. 763/2006

Judgment delivered on: November 30, 2007

Nitin Gupta ..... Appellant.  
Through: Mr. Ravindra Narayan, Adv.  
  
versus

Kundan Singh & Ors. .... Respondents  
Through: Ms. Sakshi Mittal, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE KAILASH GAMBHIR,**

1. Whether the Reporters of local papers may  
be allowed to see the judgment? Yes
2. To be referred to Reporter or not? Yes
3. Whether the judgment should be reported  
in the Digest? Yes

**KAILASH GAMBHIR, J. Oral:**

By way of this appeal the appellant seeks enhancement  
in the compensation amount over and above the one  
awarded by the Tribunal.

The facts of the case in a nutshell are as follows:

Sh.Hem Chand Gupta, Sh.Neeraj Gupta, Sh.Himanshu Gupta and Sh.Nitin Gupta were travelling in a Maruti car on 7.12.2000, while proceeding towards Anoopshahar from Delhi via Hapur. When they reached village Akdauli at about 7.30 a.m., a truck bearing registration No. UP 14N 1551 being driven at a high speed and in a rash and negligent manner collided with the Maruti car. As a result of the accident all the incumbents of the Maruti car suffered serious multiple injuries and were rushed to the nearest Nursing Home at Hapur and were later referred to Maharaja Agarsain Hospital, Delhi. Four claim petitions were filed before Motor Accident Claims Tribunal and all the four petitions were disposed of by way of a common order dated 20.5.2006. Aggrieved with the said order present appeal is preferred by the appellant.

I have heard learned counsel for the parties and perused the records. Counsel for the appellant contends that a lump sum amount of Rs. 50,000/- towards the permanent disability suffered by the appellant has been

awarded by the Tribunal without taking into consideration the fact that the appellant was preparing for the entrance exam of MBBS. The appellant further contends that he could not prepare himself to appear in the entrance exam of MBBS.

Per contra counsel appearing for the respondent contends that the Tribunal has already awarded appropriate compensation in favour of the appellant after taking due consideration of the permanent disability of 20% suffered by him. Counsel states that once the Tribunal itself has granted a fair compensation, therefore, the Appellate Court may not interfere to enhance the said compensation amount further.

Perusal of the impugned Award shows that the Tribunal has granted a lump sum amount of Rs. 50,000/- towards permanent disability suffered by the appellant. It is not in dispute that the appellant had completed his senior secondary exam and was preparing for his MBBS exam. It is also not in dispute that it is only because of the injury

sustained by the appellant that he could not appear in the entrance exam of the MBBS. It is also thus not in dispute that the precious one year of the appellant was lost due to the said injury. It is also not disputed that the appellant has suffered disability to the extent of 20% and as per the deposition of PW-4 his recovery from the said disablement would not be easy. Since the appellant had completed his senior secondary examination, therefore, resort can be made to the Minimum Wages Act for correctly assessing the notional income of the appellant on the relevant date of the accident i.e. 7.12.2000. The Minimum Wages for matriculate person were Rs. 2972/-. The same can be taken at Rs. 3,000/- as a round figure and taking 20% of the said income the yearly loss towards permanent disablement would come to Rs.7,200/-. The appellant was of the age of 17 years at the time of the accident, therefore, the appropriate multiplier as per the second Schedule is 16. Applying the said multiplier to the multiplicand of Rs. 7,200/- the total loss of suffering the permanent

disablement would come to Rs.1,15,200/-.

In the light of the above discussion, I enhance the said compensation amount from Rs. 50,000/- as awarded in favour of the appellant towards permanent disablement to Rs.1,15,200/-. The appellant has already received the amount of compensation as awarded by the Tribunal. The differential amount now shall be paid by the respondent with interest @ 6% from the date of the filing of the petition till realisation.

With these directions the appeal is disposed of.

**November 30, 2007**  
rkr

**KAILASH GAMBHIR J.**