

+ **MAC.APP.No.674/2006**% Date of decision: 7th September, 2009

BIMLA TAING Appellant
Through : Mr. O.P. Mannie, Adv.

versus

CHARANJEET SINGH & ORS. Respondents
Through : Mr. Ram Ashray, Adv. for R-3

CORAM :-
THE HON'BLE MR. JUSTICE J.R. MIDHA

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

JUDGMENT (Oral)

1. The appellant has challenged the award of the learned Tribunal whereby compensation of Rs.1,50,000/- has been awarded to the appellant. The appellant seeks enhancement of the award amount.

2. The accident dated 16th July, 2004 resulted in the grievous injuries to the appellant. The appellant was travelling in bus bearing No.DL-1P-A-0277 while going to her office. The appellant was in the process of alighting from the bus when the driver suddenly moved the bus at a very high speed due to which the appellant fell down on the road and left rear wheel of the bus run

over the left hand of the appellant. The appellant was admitted to the hospital and was discharged on 27th July, 2004. The appellant suffered degloving injury of left arm and left elbow, fracture of left 3rd Metatarsal and fracture of left scapula. The appellant was treated with skin grafting of upper limb at Max Hospital. The appellant incurred expenditure of Rs.1,48,039.63 against which she got reimbursement of Rs.93,735/- from her employer and the remaining bill amount was rejected being in excess of the permissible limit of the appellant. This is duly proved by the statement of PW – 5 from State Bank of India who deposed that the appellant submitted total bill of Rs.1,48,039.63 out of which Rs.93,735/- was reimbursed and the remaining claim was rejected being in excess of the permissible limit. The appellant remained on leave for two months and nine days. The permanent disability of the appellant was assessed as 25% in respect of the upper limb.

3. The learned Tribunal awarded Rs.10,000/- towards the medical expenses, Rs.75,000/- towards pain and sufferings, Rs.20,000/- towards loss of income, Rs.25,000/- towards loss of enjoyment of life and Rs.20,000/- towards conveyance and special diet. The total compensation awarded to the appellant is Rs.1,50,000/- along with interest at the rate of 6% per annum.

4. The learned counsel for the appellant seeks enhancement of the award amount on the ground that no compensation has been awarded towards the permanent disability. The learned counsel further submits that the compensation for medical

expenses be enhanced from Rs.10,000/- to Rs.54,304.63. The learned counsel further seeks enhancement on the ground that the appellant remained on leave for two months and nine days and she hired an attendant at the salary of Rs.1,800/- per month and less amount has been awarded by the learned Tribunal towards the cost of the attendant. The learned counsel for the appellant also seeks enhancement of the rate of interest from 6% per annum to 9% per annum.

5. Considering the facts and circumstances of this case, Rs.25,000/- is awarded towards the permanent disability, Rs.54,304.63 is awarded towards the medical expenses, Rs.5,000/- is awarded towards the attendant and the rate of interest is enhanced from 6% per annum to 7.5% per annum. The total compensation payable to the appellant is computed to be Rs.2,24,304.63 (Rs.25,000 + Rs.54,304.63 + Rs.5,000 + Rs.75,000 + Rs.20,000 + Rs.25,000 + Rs.20,000).

6. The appeal is allowed and the award amount is enhanced from Rs.1,50,000/- to Rs.2,24,304.63 along with interest @ 7.5% per annum from the date of filing of the petition till realization.

7. The enhanced amount be deposited by respondent No.3 with the learned Tribunal within 30 days.

8. Upon such deposit being made, the learned Tribunal is directed to release 50% of the same to the appellant and the remaining 50% is directed to be kept in the fixed deposit in the name of the appellant for a period of five years on which monthly interest be paid to her. However, no loan, advance or withdrawal

be permitted to the appellant without the permission of this Court.

9. Copy of this order be given 'Dasti' to learned counsel for both the parties under the signature of Court Master.

J.R. MIDHA, J

SEPTEMBER 07, 2009
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