

THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 747 of 1995

Date of decision : 08.01.2015

Meera Dogra

.....Appellant

Versus

Karam Chand and others

...Respondent

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

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

Present: Mr. O.P. Hoshiarpuri, Advocate
for the appellant

None for respondents No. 2 and 3

Mr. Suvir Dewan, Advocate
for respondents No. 4 and 5

ANITA CHAUDHRY, J.

The appellant is seeking enhancement of the compensation awarded to her by the Motor Accident Claims Tribunal, Gurdaspur vide award dated 28.11.1994.

The issue involved is small, therefore, the facts are briefly being referred. Meera Dogra met with an accident on 11.5.1992 which led to a disability of 5%. Her shoulder joints developed stiffness. There was fracture in the legs. She was unable to move around without the help of an attendant. She was working as a teacher in Central School at Pathankot and was earning ₹ 2000/- per month.

The Tribunal noted the period of her stay in the hospital and allowed ₹ 15,000/- for her treatment in the hospital and ₹ 15,000/- for pain and suffering and disability.

Learned counsel for the appellant has urged that the claimant had pleaded that the appellant was unable to attend to her duty for 2 years and she was on leave and was entitled to salary for that period. It was urged that the compensation for disability should have been calculated using the multiplier method and the amount awarded for pain and suffering was too less.

Per contra the submission on behalf of the respondents was that the compensation was assessed keeping those times and while making any changes in the compensation, it has to be considered that the injury was suffered in 1992.

The record of this case had been destroyed in a massive fire which took place in the High Court in 2011. Both the sides state that the matter can be disposed of on the basis of material available, therefore, the appeal is taken up for disposal.

The appellant had pleaded that she had not got salary for two years but I find that no evidence had been led on that account. However, there is evidence that the appellant remained admitted in the hospital. The appellant had suffered fracture on both the legs and recovery would have taken time, therefore, the appellant was entitled to salary for six months. The claimant had pleaded that she was getting salary of ₹ 2000/- per month, therefore, the enhancement on account of loss of income would be ₹ 2000/- x 6 = ₹ 12,000/-.

The appellant is also entitled to increase on account of

disability. The Medical Officer had found disability to be 5%, therefore, calculating the loss using the multiplier method, the compensation would be 5% of ₹ 2000/-, ₹ 100 x 12 x 16 = ₹ 19,200/-. I find that no amount was allowed for the attendant, therefore, ₹ 6000/- are added as attendant charges for 6 months @ ₹ 1,000/- per month making the total compensation to be ₹ 12000 + ₹ 19200 + ₹ 6000 = ₹ 37,200/-.

The appeal is partly allowed. The above amount shall be paid by the Insurance Company within two months, failing which the appellant would be entitled to this amount with interest @ 6% from the date of filing of the appeal till its realization.

08.01.2015

reena

(ANITA CHAUDHRY)
JUDGE