

***IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH***

**F.A.O No. 2637 of 1996**

**Date of decision:- 30.09.2015**

Bal Devi @ Bal Devi Kaur

...Appellant

Versus

Gobind Bahadur & others

...Respondents

***CORAM: HON'BLE MS. JUSTICE RITU BAHRI***

Present:- Mr. Aman Dahiya, Advocate  
for the appellant.

Mr. B.R. Gupta, Advocate  
for respondent Nos 1 and 2.

Mr. R.K. Bashamboo, Advocate  
for respondent No. 3

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

**RITU BAHRI J.**

1. The present appeal has been preferred by the injured/claimant-appellant (for short 'the appellant'), seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Sirsa (for short, 'the Tribunal') to the tune of Rs.30,000/- , vide impugned award dated 03.06.1996.

***FACTS NOT IN DISPUTE***

2. On 19.02.1994, the appellant (50 years) along with her

grand daughter (3 ½ years) was waiting for a bus in village Shamgarh.

A tata siera bearing registration No. DL-2C-4185 came from the side of Karnal being driven by respondent No. 1 in a rash and negligent manner struck against the appellant and her grand daughter and both of them fell down and received injuries. They were brought to G.H. Karnal by one Chhattar Singh. F.I.R. No. 85 under Sections 279/337 IPC was registered in this regard on 19.02.1994.

4. The learned counsel for the appellant contends that the Tribunal has erred in awarding the compensation to the appellant to the tune of Rs.30,000/- only, as the appellant remained admitted in PGI Chandigarh from 20.02.1994 to 12.03.1994 and then in the clinic of Dr. Balbir Chaudhary at Karnal from 12.03.1994 to 15.04.1994. She remained as indoor patient from 20.02.1994 to 15.04.1994 i.e for about 2 months. She was operated in PGI Chandigarh.

5. Heard learned counsel for the parties.

6. In the facts of the present case, as per Mark A i.e discharge and follow up card, the appellant remained admitted in PGI Chandigarh from 20.02.1994 to 12.03.1994 . She produced 43 receipts for purchase of medicines worth Rs.4004.50 paise for her treatment. She was shifted to clinic on account of strike in PGI Chandigarh on 12.03.1994 for post operation management.

**RE-ASSESSED COMPENSATION**

7. In view of the fact that the appellant had to go through lot of trauma in her old age, the compensation is re-assessed as under:-

| HEAD                                           | COMPENSATION AMOUNT                    |
|------------------------------------------------|----------------------------------------|
| <i>Pain and suffering</i>                      | <i>Rs.10,000/-</i>                     |
| <i>Cost of treatment</i>                       | <i>Rs.30,000/-</i>                     |
| <i>Special Diet and Transportation Charges</i> | <i>Rs.15,000/-</i>                     |
| <b>TOTAL COMPENSATION AWARDED:-</b>            | <b>Rs.55,000/-</b>                     |
| <b>ENHANCED AMOUNT OF COMPENSATION</b>         | <b>Rs.55,000-Rs.30,000=Rs.25,000/-</b> |

8. Since, the compensation amount of Rs.30,000/- awarded by the Tribunal was directed to be recovered by the car owner and the driver jointly and severally, the enhanced amount of compensation of Rs.25,000/- shall be payable by the car driver and owner i.e respondent No. 1 and 2, within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of ***Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539.***

9. Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

30.09.2015

G Arora

( **RITU BAHRI** )  
**JUDGE**

GAURAV ARORA  
2015.10.07 16:14  
I attest to the accuracy and  
integrity of this document