

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.379 of 1996 (O&M)
Date of Decision:7.10.2015

Kumari Asha through her LRs

....Appellants

Versus

Tejpal alias Mintu and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Argued by: Mr. R.A. Sheoran, Advocate for the appellants.

Mr. Ravinder Arora, Advocate for respondent No.3-
New India Assurance Company Ltd.

NAVITA SINGH, J.

1. The Motor Accidents Claims Tribunal, Rewari (Tribunal for short), vide award dated 11.8.1995 granted compensation of Rs.57,440/- to Kumari Asha, who was injured in a road accident on 5.3.1992. The appeal was preferred by the injured as she was not satisfied with the amount awarded.
2. During the pendency of the appeal, Kumari Asha died in the year 2000 and her parents were substituted in her place as appellants.
3. Counsel for the appellants argued that only an amount of Rs.50,000/- in lump-sum was awarded for the disability suffered by Kumari Asha which was to the tune of 100%, while miscellaneous expenses to the tune of Rs.2000/- were given. The compensation was highly inadequate as nothing was separately awarded for pain and suffering and special diet etc. The parents attended to the girl for eight years but they were not compensated. Counsel for the Insurance Company argued that the compensation for pain and suffering etc. was for the injured herself and since she had died, the compensation was not liable to be enhanced. If otherwise an amount of Rs.50,000/- granted in 1995 for an accident which took place in 1992 was quite adequate.

4. The arguments advanced on behalf of the respondent are convincing because the value of money as it stood in 1992 was much more than what it is today and an amount of Rs.50,000/- awarded at that time was not insufficient. The expenses incurred on treatment were also awarded and miscellaneous expenses were also taken care of.

5. The award does not call for any change. The appeal is dismissed.

(NAVITA SINGH)
JUDGE

07.10.2015

Ishwar

Whether to be referred to reporter: Yes