

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

**FAO No.777 of 2000**

**Date of Decision: April 23, 2015**

**Gurmeet Kaur**

**.. Appellant**

**vs.**

**M/s Gian Bus Service (Regd.) and others**

**.. Respondents**

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:** Mr. Lal Singh Sandhu, Advocate for the appellant.

None for respondent Nos.1 and 4.

Mr. Neeraj Khanna, Advocate for  
Mr. Ravinder Arora, Advocate for respondent No.2.

Mr. Ashwani Talwar, Advocate for respondent No.5.

- 1. Whether Reporters of Local Newspapers 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?*

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**Kuldip Singh J.**

This is claimant/appellant's appeal against the Award dated 30.09.1999 passed by the Motor Accident Claims Tribunal, Patiala (in short 'the Tribunal').

The brief facts of the case are that claimant-appellant Gurmeet Kaur, a House wife met with an accident on 06.04.1994. As a result of the accident, her both legs were fractured. She was first taken to A.P. Jain, Hospital, Rajpura then to Rajendra Hospital,

Patiala. There is shortening of one inch in the left leg. As per disability certificate (Ex.PW6/A), her disability was 42%. The Tribunal assessed her contribution to the family @ ₹1,000/- per month and also observed that it is not mentioned in the disability certificate whether the disability is permanent or temporary. Before the Tribunal, medical bills of ₹8,000/- were produced and taxi bills of ₹2,100/- were produced. The Tribunal awarded the following compensation under the following heads:

|    |                          |           |
|----|--------------------------|-----------|
| 1. | Pain and suffering       | ₹10,000/- |
| 2. | Expenditure on treatment | ₹2,000/-  |
| 3. | Special Diet             | ₹5,000/-  |
| 4. | Transport charges        | ₹3,000/-  |
| 5. | Loss of income           | ₹2,000/-  |

In this way, total compensation of ₹22,000/- was allowed by the Tribunal.

I have heard learned counsel for the both the parties and have also carefully gone through the case file.

I am of the view that the compensation awarded by the Tribunal is not just and adequate. There are medical bills of ₹8,000/-. There were fractures on both the legs and there was shortening in the one leg. The shortening of leg is permanent disability, even it is not so mentioned in the disability certificate. The deceased was about 25-26 years of age. In case of fracture of both legs, which is main part of the body, it takes minimum three months or more to recover.

Keeping in view the entirety of the facts and circumstances of the case, the compensation is allowed as under:

|                                              |           |
|----------------------------------------------|-----------|
| 1. Medical Bills                             | ₹8,000/-  |
| 2. Pain and suffering for more than 3 months | ₹25,000/- |
| 3. Special Diet                              | ₹5,000/-  |
| 4. Transportation Charges                    | ₹3,000/-  |
| 5. Loss of contribution to the family        | ₹6,000/-  |
| 6. Loss of enjoyment of life                 | ₹50,000/- |
| Total                                        | ₹97,000/- |

The enhanced amount of compensation is ordered to be paid with interest @ 7.5% per annum from the date of filing of the claim petition till realization.

The appeal is allowed to the aforesaid extent.

**April 23, 2015**  
sarita

**(KULDIP SINGH)**  
**JUDGE**