

**FAO-3403-2005 (O&M)**

**(1)**

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

**FAO-3403-2005 (O&M)**

**Date of Decision: March 26, 2015**

Tarawanti

.....Appellant

Versus

Gurcharan Singh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr.Sandeep Kotla, Advocate  
for the appellant.

Mr.Mammohan, Advocate  
for respondent No.2.

Ms.Shamsher Kaur, Advocate  
for respondent No.2A.

.....

- 1. Whether Reporters of 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?**

**Naresh Kumar Sanghi, J.(Oral)**

Challenge in this appeal is to the Award dated 21.02.2005 passed by the learned Motor Accidents Claims Tribunal, Fatehabad, (for brevity, 'the Tribunal'), whereby Rs.1,05,000/- (Rupees one lac and five thousand only) along with interest @ 9% per annum from the date of filing of the petition till

realisation were awarded to the appellant.

Learned counsel for the appellant-claimant submits that the learned Tribunal has awarded a meagre amount of Rs.25,000/- (Rupees twenty-five thousand only) towards disability, attendant charges, transportation charges and special diet. He further points out that same is the position with regard to an amount of Rs.15,000/- (Rupees fifteen thousand only) awarded under the heads 'pain and suffering' and 'loss of amenities of life'. To elaborate his arguments, the learned counsel submits that the appellant-claimant, Smt.Tarawanti, who was aged about 50 years at the time of accident, had suffered fracture of both the femur bones, which were the strongest bones of the human body. On account of sustaining such grievous injuries, the appellant-claimant had to remain confined to bed for at least one year. He further submits that in the same accident the husband of the appellant had also sustained the serious injuries and, as such, an attendant was engaged to look after the appellant-claimant.

On the other hand, the learned counsel for the respondents submitted that there was no evidence to the effect that the appellant-claimant had engaged an attendant to look after her and, as such, the learned Tribunal had rightly awarded

the amount to the appellant-claimant and there was no scope for enhancement.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Since the accident is not in dispute, therefore, there is no necessity for this Court to discuss the accident part and negligence etc. on the part of respondent Nos. 1 and 2. Since the driver, owner and insurance company of the offending vehicle have not challenged the award, therefore, this Court is also of the view that without discussing the other issues the exercise with regard to adequate amount to be awarded to the appellant/claimant under various heads, can be done.

Concededly, the appellant-claimant, who is a lady, had suffered fracture of both the femur bones and the permanent disability determined by the medical experts was to the extent of 24%. Therefore, this Court is of the considered opinion that for her permanent disability, she is entitled to Rs.48,000/- (Rupees forty-eight thousand only); the learned Tribunal has rightly awarded Rs.65,000/- (Rupees sixty-five thousand only) for medical bills; the amount awarded under the head 'pain and sufferings' appears to be on lower side, therefore, the appellant-

claimant would be entitled to Rs.40,000/- (Rupees forty thousand only) for pain and sufferings; as per the counsel for the appellant, the appellant-claimant had to undergo the treatment atleast for one year and that too while confined to bed and, as such, she must have availed services of an attendant. Therefore, Rs.50,000/- (Rupees fifty thousand only) can be awarded for retaining the attendant and other miscellaneous expenses. Learned counsel for the appellant-claimant, during his submissions, had pointed out that even after eight months of the accident the appellant-claimant had visited the doctor, who advised her (appellant-claimant) to undergo the bone grafting since the interlocking of the bone was not showing the expected results.

In view of the totality of the facts and circumstances of the case, the appellant-claimant would be entitled to total amount of Rs.2,03,000/- (Rupees two lacs and three thousand only).

As a sequel to the above, the Award passed by the learned Tribunal is modified and the appellant-claimant would be entitled to a total sum of Rs.2,03,000/- (Rupees two lacs and three thousand only). It has been pointed out that Rs.1,05,000/- (Rupees one lac and five thousand only) has already been paid as

**FAO-3403-2005 (O&M)**

**(5)**

per the Award. Therefore, the appellant-claimant would be entitled to interest @ 9% per annum on the enhanced amount from the date of petition till realisation.

**March 26, 2015**  
meenu

**(NARESH KUMAR SANGHI)**  
**JUDGE**