

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.423 of 2005 (O&M)
Date of Decision:24.09.2015

Anju Rani

....Appellant

Versus

Sher Singh and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. M.S. Kathuria, Advocate for
Mr. Rakesh Nehra, Advocate for the appellant.

Mr. Ved Parkash, Advocate for
Mr. Sudhanshu Makkar, Advocate for respondent No.1.

Mr. A.K. Arya, Advocate for respondent No.2.

NAVITA SINGH, J.

1. The claimant was granted compensation to the tune of Rs.1,83,898/- and feeling dissatisfied with the amount, she preferred the present appeal against the award dated 20.10.2004 passed by Motor Accident Claims Tribunal, Bhiwani (Tribunal for short).

2. The appellant was injured in a road accident which took place on 20.7.2001 at 3.00 pm when he was going on a bicycle with her mother sitting behind her. She was hit by the road roller bearing No.DRR3/10-97101854, S4, driven in a rash and negligent manner by respondent No.1. Mother of the appellant fell on the kacha portion of the road while the appellant fell on the road and her right hand got crushed under the rear wheel of the road roller. At that time, she was a teacher in K.D. High School, Rohtak drawing a monthly salary of Rs.3000/-.

3. Counsel for the appellant argued that permanent disability to the extent of 50% in the right hand was assessed and the right hand of the appellant had become dysfunctional. She even could not hold a pen and her vocation as a

teacher was, therefore, miserably affected. Counsel for the respondents, however, argued that since there was 50% disability, an amount of Rs.1,50,000/- was awarded on account of that together with compensation for pain and suffering.

4. The accident took place in 2001 and, therefore, the amount of Rs.1,50,000/- awarded for the disability and pain and suffering was quite adequate. The medical expenditure was also given, apart from that.

5. Counsel for the appellant then argued that nothing was awarded for special diet and attendant etc. No serious objection was raised to the request. It is, therefore, directed that an additional amount of Rs.10,000/- would be paid by the respondent towards special diet etc. over and above the amount already awarded. The compensation, therefore, stands enhanced by Rs.10,000/- only.

6. The appeal is partly allowed as above.

**(NAVITA SINGH)
JUDGE**

24.09.2015

Ishwar

Whether to be referred to reporter: No