

In the High Court of Punjab and Haryana at Chandigarh

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F.A.O. No.4316 of 2005 (O&M)

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Date of decision:27.5.2015

Mohindro Devi

.....Appellant

v.

Balkar Singh and others

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Jarnail Singh Saneta, Advocate for the appellant.

Ms. Swatantar Kaur, Advocate for respondent No.3.

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Inderjit Singh, J.

This appeal has been filed by Smt. Mohindro Devi against Balkar Singh-Driver, Malkiat Singh-Owner of TATA Sumo No.PB-09E-0251 and The National Insurance Company Ltd.-Insurer of the offending vehicle aggrieved against the award dated 28.4.2005 passed by Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'the Tribunal'), vide which award for compensation of ₹18,700/- along with interest @9% per annum from the date of claim petition till actual payment has been passed. The Tribunal on the basis of evidence granted ₹18,700/- for the grievous injuries suffered by the claimant on index finger.

Notice of motion was issued in this case. Ms. Swatantar Kaur, learned Advocate has put in appearance on behalf of respondent No.3 and contested this appeal.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that the Tribunal has granted ₹9,200/- as medical expenses as per the evidence on record and nothing has been argued that any bill has not been taken into consideration. Therefore, the expenses given on the basis of medical expenses are correct and do not require any enhancement. The Tribunal further granted correctly ₹4,000/- for pain and suffering. The Tribunal also granted ₹1,200/- on the ground of special diet and ₹1,350/- as attendant charges. The Tribunal has also awarded ₹450/- as transportation charges. The compensation granted on these grounds by the Tribunal is correct and as per law keeping in view the fact that the injury was on the index finger only. Further as per the evidence, there is only two per cent permanent disability on the index finger and the Tribunal has correctly awarded ₹4,000/- on this ground. Inadvertently, while calculating the compensation, it has been written as ₹1,000/- instead of ₹4,000/-. Therefore, due to this clerical mistake, the claimant is entitled to ₹3,000/- more. In paragraph 23 relating to this 2% permanent disability, it is specifically held by the Tribunal a technical compensation of ₹4,000/- is allowed to the claimant under this head. Further, I find that it is in the evidence that plaster was applied to the index finger for about 1½ months. In that way, the claimant could not provide the services to the family during that period. The Court has assessed the compensation on loss of earning at ₹1,500/-, which is on lower side and the same is increased to ₹3,500/- from ₹1,500/- awarded by the Tribunal.

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Therefore, in view of the above discussion, the claimant is entitled to ₹23,700/- instead of ₹18,700/-. On this enhanced amount, the claimant is also entitled to interest as awarded by the Tribunal from the date of claim petition till actual payment.

The appeal is disposed of accordingly.

May 27, 2015.

(Inderjit Singh)
Judge

hsp