

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

FAO No.130 of 2008 (O&M)

Date of decision: 06.04.2015

Ankita

....Appellant

Versus

Harbhajan Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Ms. Seema Pasricha, Advocate
for the appellant.

Mr. Sanjiv Gupta, Advocate
for respondent No.2.

Mr. R.N. Singhal, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

This is an appeal directed by Ankita against the award dated 04.08.2007, passed by Sh. Sant Parkash, Motor Accident Claims Tribunal, Karnal, for enhancement of compensation.

The learned Tribunal has allowed the claim petition partly and granted a sum of Rs.47,580/-. The detailed of which is given as under:-

1	Disability 2%	Rs.4,000/-
2	Medical bills Ex.P-2 to Ex.P-25	Rs.23,580/-

3	Mental pain and suffering, Rs.20,000/-	
	transportation, special diet, loss of	
	future prospects.	
	Total	Rs. 47,580/-

Learned counsel for the appellant has submitted that the amount of compensation granted by the learned Tribunal is on the lower side. Learned counsel for the appellant has further submitted that the amount under mental pain and sufferings, transportation, special diet, loss of future prospects, etc. should have been separately dealt by the Tribunal. It is further submitted that the claimant remained confined to bed for three months and suffered in her studies and no amount in respect of that has been allowed by the learned Tribunal.

However, learned counsel for the respondents has submitted that the amount of Rs.47,580/-, has been rightly allowed by the Tribunal and no scope for enhancement is made out. It is further submitted that the disability is not permanent.

I have considered the submissions made by learned counsel for both the parties and have gone through the case file and record carefully.

The injured-claimant was a minor girl and according to PW-3, Dr. K.L. Sachdeva, the appellant was admitted in his hospital and was referred to PGI, Chandigarh on 21.09.2005 and again, she remained admitted from 16.10.2005 to 17.10.2005, and skin grafting was done.

PW-2, Dr. G.S. Narwal, has stated that there was posttraumatic scar mark on posterior aspect of right knee and lower part of thigh and disability was 2%. No amount in respect of loss of studies and loss of marriage prospects has been considered. So, taking into account whole of the evidence on record, the ends of justice will be met in case the appellant is allowed Rs.30,000/- more in addition to the amount awarded by the learned Tribunal and I ordered accordingly. The said amount of Rs.30,000/- shall carry interest @ 7.5% per annum from the date of the petition till payment. The liability to pay the amount shall be same as ordered by the learned Tribunal. The recovery rights given to the insurance company shall remain intact in respect of enhanced amount.

Appeal stands disposed of.

06.04.2015

yakub

(K.C. PURI)
JUDGE