

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

**FAO No.2257 of 2009 (O&M)
Date of Decision: July 28, 2015**

Smt. Sunita Devi and others

.... Appellants

vs.

Rajender Yadav and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. M.S. Randhawa, Advocate for the appellants.

Ms. Vandana Malhotra and
Ms. Monika Jangra, Advocates for respondent No.2.

- 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?*

Kuldip Singh J.(Oral)

The claimants-appellants have filed this appeal against the Award dated 17.12.2008 passed by the Motor Accident Claims Tribunal, Narnaul (for short 'the Tribunal'), in which in a claim petition filed under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act'), a compensation to the tune of ₹3,69,500/- along with interest @ 7.5% per annum from the date of filing of the claim petition till its realization.

A perusal of the Award shows that the deceased was working as a Driver and his income was taken to be ₹3,000/- per month and as per the structured formula laid down in the second schedule, the compensation was calculated at ₹5,40,000/-. 1/3rd was

deducted as personal expenses and compensation on account of general damages as mentioned in the second schedule of the Act was also awarded. There is nothing illegal in the same.

However, it comes out that before his death the deceased was injured in the accident. He himself lodged the DDR and after his admission in the hospital from 14.09.2007 to 16.09.2007, he succumbed to the injuries. It goes to show that the deceased remained admitted for three days in the hospital after the accident. Nothing has been awarded for the medical expenses. Under the second schedule of the Act, a sum of ₹15,000/- should have been awarded for the medical expenses. Even though, in this case, the medical bills were not produced but the fact that the deceased remained admitted for three days in the hospital after the accident goes to show that some expenses were incurred on his medical treatment before he succumbed to injuries and some money was also spent on the transportation of the body. The place of the accident, is near Rewari whereas the residence of the deceased is in Tehsil Narnaul. In this way, a sum of ₹15,000/- on account of medical expenses and transportation of the dead body are allowed.

The appeal is accordingly partly allowed.

July 28, 2015
sarita

(KULDIP SINGH)
JUDGE