

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

FAO No. 3452 of 2012 (O&M)

Decided on: 14.5.2015.

Kumari Priya

... Appellant

Versus

Sunil Kumar and others

... Respondents

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

Present : Mr. S.K. Yadav, Advocate,
for the appellant.

Service of respondents No.1 & 2 dispensed with.

None for respondent No.3.

K.C.PURI.J.(ORAL)

None has appeared on behalf of respondent No.3.

Earlier, Mr. Vishal Goel, Advocate, had been appearing for respondent No.3. So, respondent No.3 is proceeded exparte.

This is an appeal directed by the injured claimant against the Award dated 17.2.2010 passed by Motor Accident Claims Tribunal, Narnaul (for short "the Tribunal") vide which the claim petition was accepted and a sum of Rs.39,243/- was allowed to the claimant along with interest @ 6% per annum from the date of petition till realization.

The present appeal has been filed for enhancement of compensation.

Learned counsel for the appellant has submitted that claimant is a minor girl child and has suffered 5% permanent disability. It is submitted that there was fracture of shaft humerus left and fracture of tibia right. It is further submitted that as per Disability Certificate, left knee joint was reduced by 10% with malunion of right tibia. It is submitted that amount of Rs.20,000/- in respect of pain and suffering, special diet, transportation and on account of permanent disability is on lower side.

In this case, learned Tribunal has allowed a sum of Rs.19,243/- in respect of actual expenses and a consolidated sum of Rs.20,000/- has been allowed on account of pain and suffering, disability, special diet etc. and in this manner, total amount of Rs.39,243/- was allowed. As per Disability Certificate Ex. PD, there was permanent disability to the extent of 5%. In Ex. PD it is further mentioned that there was a fracture of left shaft and fracture of right tibia and there was a range of motion of left knee joint reduced by 10% with malunion of right tibia. The claimant is a minor girl and her age has been mentioned as 10 years in Ex. PD. The disability mentioned in the certificate Ex. PD is permanent. PW-5 Dr. Dinesh Podar has proved the Disability Certificate Ex.PD and has stated that disability of Priya claimant is to the extent of 5% on account of range of motion of left knee joint reduced by 10% with malunion of right tibia. In Ex.PD it is mentioned that there is a fracture of left shaft and right tibia. The

claimant is a girl aged 10 years and has suffered 5% disability on account of which her range of motion of left knee joint was reduced by 10% with malunion of right tibia. Meaning thereby, the claimant has to repent throughout her life. Her marriage prospects has decreased considerably on account of the injury. So, in these circumstances, the ends of justice would be met in case another sum of Rs.50,000/- is allowed in addition to the amount already granted. I order accordingly. The liability to pay the amount shall be the same as ordered by the Tribunal. The said amount shall carry interest @ 7.5% per annum from the date of petition till payment.

14.5.2015.
SN

(K.C.PURI)
JUDGE