

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1970 of 2013 (O&M)
Date of Decision:02.11.2015

Paramjit Kaur

....Appellant

Versus

Ram Adhar and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Bhag Singh, Advocate for the appellant.

Mr. M.B. Jain, Advocate for respondent No.3-
IFFCO TOKIO General Insurance Company Ltd.

NAVITA SINGH, J.

1. The appeal is filed for enhancement of compensation granted to the appellant for the injuries received by her in an accident which took place on 15.12.2009. The Motor Accidents Claims Tribunal, Ambala (Tribunal for short) awarded an amount of Rs.2,29,000/-.
2. Counsel for the appellant argued that there was 40% disability qua a particular limb suffered by the appellant while there was 10% disability regarding the whole body but nothing was given by the Tribunal for that. It was also contended that the notional income of the appellant was assessed at Rs.3,000/- per month which was also very low. Counsel for the Insurance Company, however, argued in reply to the above arguments that the accident occurred in 2009 and income of the appellant was taken as Rs.3,000/- per month. She being a house wife, the amount was sufficient. Also for the period while she was under treatment, an amount of Rs.9000/- was granted for loss of earning and she was also compensated for loss of future earning.
3. It is seen that an amount of over Rs.fifty thousand was given for loss of future earning to the appellant and an amount of Rs.eighty thousand for pain

and suffering etc. She was also reimbursed for the expenses on treatment. The total amount was Rs.2,29,000/-.

4. Regarding disability, the medical opinion was that the disability qua the lower limb was 40% which was 'likely' to be permanent. Nothing was shown by the appellant that any re-assessment was got done from a medical board to find out whether the disability had reduced or had become permanent. Disability qua the whole body was 10% which was also not finally opined to be permanent.

5. In any case since nothing was granted for the disability, an amount of Rs.20,000/- is awarded for the same. Enhancement in the amount already given under various heads is not called for.

6. The appeal is, therefore, partly allowed enhancing the amount already awarded by Rs.20,000/-. Enhanced amount shall fetch interest @ 6% per annum.

**(NAVITA SINGH)
JUDGE**

02.11.2015
Ishwar

Whether to be referred to reporter: No