

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

1) **FAO No.1686 of 2014 (O&M)**
Sajida AkhtarAppellant
Versus
Vishal Prashar and othersRespondents

2) **FAO No.4160 of 2014 (O&M)**
Zaid AliAppellant
Versus
Vishal Prashar and othersRespondents

Date of Decision: 10.07.2015

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present:- Mr. Ashwani Gaur, Advocate,
for appellant.

None for respondents No.1 and 2.

Mr. Amit Kundra, Advocate,
for respondent No.3-Insurance Company.

SHEKHER DHAWAN, J (ORAL)

Both the present appeals filed against award dated 29.08.2013 whereby claimants Sajida Akhtar and Zaid Ali were awarded compensation to the tune of ₹15,000/- in case of Sajida Akhtar and a sum of ₹1,000/- in case of Zaid Ali for having suffered injuries in motor vehicle accident which took place on 14.09.2008.

2.

Learned counsel for appellant took the plea that Sajida Akhtar had

sustained 20% temporary disability as she had sustained injuries on her face and the same injuries required treatment by way of Plastic Surgery. But 'The Tribunal' has not awarded any amount for future treatment and simply awarded a meager amount of ₹15,000/- whereas the treatment by way of Plastic Surgery is very expensive treatment now a days. More so claimant has not been adequately compensated on account of pain and sufferings as well.

3. While arguing for appellant Zaid Ali, learned counsel for appellant took the plea that minor children aged about 4 years had sustained fracture injuries and for that purpose he had to be shifted to PGI from Malerkotla. But 'The Tribunal' has just awarded a meager amount of ₹1,000/- which is totally inadequate compensation and the same be enhanced suitably.

4. Learned counsel for respondent-Insurance Company took the plea that 'The Tribunal' has already awarded 'Just Compensation'; keeping in view the medical bills having been produced before 'The Tribunal'. The disability of Sajida Akhtar was temporary in nature. Hence, both the appeals being without any merit and be dismissed.

5. Having considered the rival contentions raised by learned counsels for both the parties, this Court is of the considered view that 'The Tribunal' has awarded compensation keeping in view the actual medical expenses having been incurred by the claimant. 'The Tribunal' has not considered appropriately the injuries caused to Sajida Akhtar as well as Zaid Ali as Sajida Akhtar had suffered 20% temporary disablement and that too by way of disfigurement of face at the age of 28 years. She is a housewife.

The treatment which is to be carried out is expensive treatment now a days.

Claimant Zaid Ali was of the age of 4 years and undisputedly he was having a fracture and he had to be shifted to PGI, Chandigarh from Malerkotla in injured condition and actual expenditure must have been incurred. 'The Tribunal' has completely ignored this fact.

6. Keeping in view these facts, the amount of compensation is enhanced by ₹50,000/- in case of Sajida Akhtar (FAO No.1686 of 2014) and compensation is enhanced by ₹20,000/- in case of Zaid Ali (FAO No.4160 of 2014).

7. Appellants shall be entitled to interest @ 7.5% per annum on the enhanced amount from the date of filing of the claim petition till its realization.

8. Both the appeals partly accepted.

**(SHEKHER DHAWAN)
JUDGE**

July 10, 2015
msd