

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

FAO No.3369 of 2013 (O&M)

Date of decision : 12.2.2016

Miss Somya

...Appellant

Versus

Suresh Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Dr.Anand Kumar Bishnoi, Advocate for the appellant.

 Mr.Sumit Sangwan, Advocate for respondent No.2.

 Mr. T.K.Joshi, Advocate for respondent No.3.

JITENDRA CHAUHAN, J.

The present appeal on behalf of the claimant is directed against the award dated 7.10.2011 passed by learned Motor Accidents Claims Tribunal, Bhiwani whereby compensation of Rs.1,57,495/- was awarded to the claimant-appellant on account of the injuries sustained in a vehicular accident on 22.3.2009.

Brief facts are that on 22.3.2009, claimant/appellant, Soumya (aged 6 years) alongwith her parents had gone to Hansi. At around 8.30 a.m., they alighted from rickshaw and while the father of the claimant was making payment to the rickshaw puller, Suresh

Kumar, respondent No.1 driving a Pick up Van bearing registration No.HR-39A/3098 (hereinafter referred to as the 'offending vehicle') at a high speed and in rash or negligent manner, hit the minor girl. As a result, she got entangled with the offending vehicle and was thrown at a distance of 30-40 feet. She became unconscious and meanwhile, the driver/respondent No.1 fled from the spot. The claim petition preferred by the appellant on account of the injuries suffered by her was partly allowed. A sum of Rs.92,795/- was awarded on account of medical bills. A sum of Rs.15,000/- was awarded on account of hospitalisation, Rs.20,000/- were awarded on account of pain and suffering, a sum of Rs.7,200/- was awarded as transportation charges, a sum of Rs.22,500/- was awarded on account of disability to the extent of 10%. In this way, a total compensation of Rs.1,57,495/- was awarded to the claimant-appellant.

Learned counsel for the appellant-claimant contends that the claimant remained hospitalised from 22.3.2009 to 31.3.2009 but no amount was awarded towards attendant charges. It is further contended that due to the accident, the claimant has suffered loss of good marriage prospects and as such she ought to have been awarded compensation under this head also.

On the other hand, learned counsel for the respondent-Insurance Company supports the award passed by the Tribunal and submits that the injured-claimant has already been awarded sufficient

compensation by the Tribunal, therefore, there is no scope of enhancement of compensation.

I have heard learned counsel for the parties and perused the record carefully.

In the instant case, the injured remained hospitalised from 22.3.2009 to 31.3.2009. This Court feels that attendant charges ought to have been granted to the injured on account of the admitted injury. The appellant must have been bed ridden for atleast for 3 months. Accordingly, a sum of Rs.50,000/- is awarded to the claimant towards attendant charges. Considering the fact that appellant is a young child of 6 years, from the disability certificate, it has come on record that injury suffered has resulted into limping which will certainly have adverse effect on the matrimonial prospects and self esteem and she will not be able to join any disciplined forces and certain other avenues/avocation will not be available to her. This court feels that for loss of marriage prospects and other heads, another sum of Rs.1,50,000/- would meet the ends of justice.

In view of the dictum of law laid down in ***Rajesh and others Vs. Rajbir and others 2013(3) RCR (Civil) 170***, claimant is held entitled to the enhanced compensation of total Rs.2,00,000/- (Rs.50,000+1,50,000/-) towards attendant charges and loss of good marriage prospects over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days

from the date of receipt of a certified copy of this judgment, failing which she shall be also entitled to interest @ 7.5% from the date of filing the present appeal, till its realisation.

12.2.2016
Meenu

(JITENDRA CHAUHAN)
JUDGE