

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3791 of 2013 (O&M)
Date of Decision:21.02.2015

Smt. Gurdev Kaur

....Appellant

Versus

Balwinder Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. H.S. Sandhu, Advocate for the appellant.

Mr. B.S. Taunque, Advocate for respondent No.3-
National Insurance Company Ltd.

NAVITA SINGH, J.

1. Compensation to the tune of Rs.78,000/- with interest at the rate of 6% per annum was awarded by Motor Accident Claims Tribunal, Karnal (Tribunal for short) to the appellant on account of injuries sustained by him in a road side accident which took place on 19.12.2010. Finding the compensation inadequate, she came up in appeal.

2. Counsel for the appellant argued that there was 12% permanent disability but the appellant was not adequately compensated for that. She was doing tailoring work and could not continue with her vocation. It was also submitted that the appellant was not properly compensated for pain and suffering and special diet etc. Nothing was awarded for transportation.

3. Learned counsel for the Insurance Company, however, argued that the amount awarded was sufficient. The disability was not permanent and as per medical evidence, it was only stiffness of the ankle due to fracture. The movement was restricted temporarily. The amount awarded stood already paid with interest.

4. So far as the profession of the appellant is concerned, if she was tailoring with a machine to be run with feet, as is generally done by the professionals, then the restricted movement in the ankle must have affected her work. However, since nothing came in evidence that the disability incurred by her was absolutely permanent and could not reduce even with physiotherapy or otherwise, it is felt that the amount already awarded was sufficient under that head.

5. The appellant was given the amount for treatment which the doctor had charged as per his statement appearing as PW2 and also for bills pertaining to medicines. Regarding pain and suffering, she was awarded an amount of Rs.10,000/-. Regarding special diet and attendant charges, an amount of Rs.5,000/- was given. The said amount under those two heads was also sufficient.

6. If at all, the appellant can be entitled to some amount for loss of income and some for transportation charges. For that, an amount of Rs.10,000/- is awarded cumulatively.

7. Interest was rightly awarded by the Tribunal as 6% per annum which is the rate of interest being given even now. The enhanced amount of Rs.10,000/- shall also be payable to the appellant with interest at the rate of 6% per annum.

8. The appeal is, therefore, partly allowed.

**(NAVITA SINGH)
JUDGE**

21.02.2015
Ishwar

Whether to be referred to reporter: No