

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5246 of 2013

Date of Decision: 18.12.2015

Versha

.....Appellant

Vs.

Diwan Chand and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Manoj K.Tanwar, Advocate for the appellant.

Mr.Rajbir Singh, Advocate for respondent No.3.

RITU BAHRI, J. (ORAL)

The present appeal has been filed by the appellant-claimant seeking enhancement of compensation amount awarded by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') vide award dated 10.07.2013 on account of injuries received by Versha, the appellant-claimant in a vehicular accident on 07.01.2011.

FACTS NOT IN DISPUTE

The brief facts of the case are that on 07.01.2011, at around 3:30 p.m. appellant/claimant was returning from school by bus. She alighted from the bus and when she was crossing the road, the offending vehicle came there, being driven by respondent No.1 in a rash and negligent manner and at a very high speed. The appellant was hit by offending vehicle due to which she fell down on the road and her left foot was ran over by the offending vehicle. She sustained multiple and grievous injuries on her body. She was taken to government hospital, Narnaul for a treatment, but keeping in view the serious injuries, she was referred to PGIMS, Rohtak. However, she was got admitted in Pooja Hospital, Narnaul where she was operated. She remained admitted in the hospital from 07.01.2011 to 09.01.2011 and she is still under treatment. The appellant has further stated that she become

permanent disabled and will not be able to do any work in future. The

appellant has also stated that the case FIR No.3 dated 08.01.2011 was registered in police station Sadar Narnaul.

COMPENSATION ASSESSED BY THE MACT

On account of injuries suffered by her in the accident, appellant-claimant Versha filed claim petition under Section 166 of the Motor Vehicle Act, 1988. A perusal of bill Ex.P4 and discharge summary Ex.P5 issued by Pooja Hospital, Narnaul, shows that only an amount of Rs.11560/- was spent on the treatment of the appellant. No other bill was produced by the claimant. However, it may be assumed that some amount must have been spent by the petitioner for purchasing the medicine etc. for which no bill was issued by the shopkeepers. Keeping in view the nature of injuries and period of treatment an amount of Rs.12,000/- was allowed to the petitioner for treatment expenses. Keeping in view all facts and circumstances of the case the appellant-claimant was held entitled to a total compensation of Rs.36,000/- in the following format:-

HEADS	COMPENSATION
Treatment and medicine	Rs.12,000/-
Disability and Pain and suffering	Rs.18,000/-
Expenses on Special Diet, attendant and Transportation	Rs.6,000/-
Total	Rs.36,000/-

REASSESSED COMPENSATION

Feeling dissatisfied with the impugned award, the injured claimant-appellant came up in this appeal.

I have heard learned counsel for the parties and perused the case file.

The fact of the accident is admitted and proved. Since the accident took place in the year 2011, the compensation is re-assessed

keeping in view that the 6% permanent disability movement as under:-

HEADS	COMPENSATION
Treatment and medicine	Rs.12,000/-
Disability and pain and suffering	Rs.23,000/-
Expenses on Special Diet, attendant and Transportation	Rs. 21,000/-
Total	Rs.56,000/-
Enhanced amount of compensation	(Rs.56,000/-)-(Rs.36,000/-) =Rs.20,000/-

The enhanced amount of compensation of Rs.20,000/- shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of **Kumari Kiran through her father Harinarayan vs. Sajjan Singh and Others, 2015(1) SCC 539.** Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

(RITU BAHRI)
JUDGE

18.12.2015
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