

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

**FAO-5713-2013**

**Date of Decision: 11.3.2015**

**Ugma Devi**

**....Appellant**

**vs.**

**Dharmender and others**

**....Respondents**

**CORAM:            HON'BLE MR. JUSTICE KULDIP SINGH**

Present:            Mr. S.K. Yadav, Advocate  
for the appellant.

Mr. R.C. Gupta, Advocate  
for respondent No.3.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgement should be reported in the Digest?*

**Kuldip Singh J.(Oral)**

Ugma Devi was injured in a motor vehicle accident. The award was passed in favour of the claimant under Section 166 of the Motor Vehicle Act, 1988. The compensation under various heads was granted, which need not be reproduced. The only contention raised before this Court is that as per the statement of the doctor the disability was 22 per cent. However, the tribunal took the disability of the petitioners as 4 per cent and therefore, awarded a compensation to the tune of Rs. 21116/- while calculating the total income of the claimant as Rs.5,27,904/-. The copy of the statement of the doctor produced before this Court

shows that Dr. Pankaj Aggarwal-PW-2 has stated that the board assessed the permanent disability to the extent of 22 per cent on account restricted movements of left hip and partial loss of stability. The original disability certificate Ex.PW2/A was proved by the doctor. The doctor further stated that the disability effects the whole body of the patient. The patient will feel some difficulty in her routine work, walking and climbing stairs. In view of the statement of the doctor, I am of the view that disability falls under the category of permanent disability. Therefore, the disability is taken as 22 per cent as certified by the doctor. It being so the compensation on account of permanent disability comes to Rs.1,43,704/-. Accordingly the appeal is allowed to that extent and compensation awarded on account of permanent disability is enhanced from 21,116/- to 1,43,704 alongwith the interest on enhanced amount as allowed by the tribunal. Since the claimant had suffered fracture of the hip, which is likely to take couple of weeks to heal, therefore, compensation on account of pain and suffering is also enhanced from 20,000/- to 50,000/-.

Appeal is accordingly allowed.

**(KULDIP SINGH)**  
**JUDGE**

11.3.2015  
Ishant