

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

**FAO No.4916 of 2015 (O&M)
Date of Decision: July 30, 2015**

P.R.T.C. and another

.... Appellants

vs.

Tanvi Bhatia and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Anupam Singla, Advocate for the appellants.

- 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 judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

CM-15071-CII-2015

There is a delay of 141 days in filing the present appeal.

For the reasons mentioned in the application supported by an affidavit, delay of 141 days in filing the present appeal is condoned subject to all just exception.

Application stands disposed of.

FAO-4916-2015

P.R.T.C. has filed this appeal against the Award dated 08.12.2014 passed by the Motor Accident Claims Tribunal, Chandigarh (in short 'the Tribunal').

In this case, on 30.06.2012, Tanvi Bhatia, aged about 24 years was going from Chandigarh to Patiala while travelling in a bus bearing registration No.PB-11P-7406 belonging to the present

appellants. It was being driven by its driver Jagir Singh in a rash and negligent manner. At about 3.00 p.m., when the bus reached near village Kauli on Rajpura-Patiala road, it turned turtle, causing injuries to its several occupants. Tanvi Bhatia received serious injuries and was removed to Rajendra Hospital, Patiala, from where she was referred to PGI, Chandigarh.

It was stated that the claimant had done M.C.A. from Mata Gujri College, Fatehgrah Sahib. It also comes out that on the date of accident, she had come to Chandigarh for interview for the post of Assistant Lecturer in Chitkara International School, Sector 24, Chandigarh. It also comes out that she remained admitted in various hospitals for about 6 months. Two operations were conducted. As a result of the accident, the claimant had suffered multiple fractures on chest, fracture left zygoma, scar on her face, fracture nasal bone, fracture clavicle and other multiple injuries. She was first taken to Rajender Hospital, Patiala, from where she was referred to PGI, Chandigarh, where she remained admitted up to 04.07.2012. Thereafter, she remained admitted in Amar Hospital, Patiala from 02.08.2012 to 04.08.2012 and was operated upon. She again remained admitted in that hospital from 18.08.2012 till 22.12.2012 and was again operated upon. She remained bed ridden for 8 months and remained under follow up treatment for a long time. She claimed that she had spent ₹1,50,000/- on her medical treatment. Her father had submitted indoor bills amounting to ₹80,000/-, which were reimbursed. However, she could not maintain medical bills

amounting to ₹11,032/-. She claimed that she had spent ₹20,000/- on transportation. She claimed that as a result of the scar on her face, her marriage prospects had been adversely affected. She proved various documents to prove that she had appeared in the interview and that there is a scar on her face.

The Tribunal held that there was no loss of income. There was 9% disability of left upper limb but it was not functional disability. The Tribunal awarded the compensation under the different heads, which is as under:

1.	Medical Bills	₹11,032/-
2.	Pain and Suffering	₹25,000/-
3.	Special Diet	₹25,000/-
4.	Attendant Charges (in lump sum)	₹20,000/-
5.	Transportation	₹15,000/-
6.	Marriage Prospects	₹25,000/-
	Total	₹1,21,032/-

I have heard learned counsel for the appellants and have also carefully gone through the case file.

The only objection of learned counsel for the appellants is that the compensation on account of medical bills amounting to ₹11,032/- and ₹25,000/- for special diet have been wrongly awarded. It is claimed that she had stated in her statement that she had spent ₹15,000/- on special diet.

I am of the view that if over all view is taken, the compensation of ₹1,21,032/- was awarded by the Tribunal is rather

on the lower side. In this case, the claimant had appeared in interview for the post of Assistant Lecturer. As she remained bed ridden and could not get the job and there is certainly loss of income. The Tribunal did not even assess the notional income for the loss of income of the claimant. Certainly all the medical bills cannot be maintained when one suffers from such serious injuries. Therefore, if the Tribunal has awarded little more than ₹11,000/- for the medical bills, which were not reimbursed to the father of the claimant, there is nothing wrong in the same. At the same time it is found that in addition to non-grant of compensation for loss of income, compensation to the tune of ₹25,000/- granted for loss of marriage prospects is on lower side. The loss of marriage prospects is to be calculated considering that a young girl is left with a scar on the face and fracture on the chest. The compensation on this count would be much more than ₹25,000/-. Therefore, this court is of the view that the compensation awarded by the Tribunal is rather on the lower side. It being so, the appellants should not be aggrieved by the compensation awarded by the Tribunal. Rather it should be the claimant, who should be aggrieved by the Award for grant of lower compensation.

Therefore, there is no ground to interfere in the impugned Award passed by the Tribunal.

The present appeal is accordingly dismissed.

(KULDIP SINGH)
JUDGE

July 30, 2015
sarita