

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

FAO No.6056 OF 2015 (O&M)
DATE OF DECISION : 16th SEPTEMBER, 2015

The Secretary Transport, Punjab Chandigarh & another

.... Appellant

Versus

Sunaina & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Piyush Bansal, DAG, Punjab for the appellants.

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SURINDER GUPTA, J. (ORAL)

CM-19203-CII-2015

For reasons mentioned in the application, which is accompanied by affidavit, delay of 19 days in filing the appeal is condoned.

FAO No.6056 OF 2015

1. This is appeal against the award dated 01.05.2015 passed by Motor Accident Claims Tribunal, Pathankot (later referred to as the Tribunal) allowing compensation of ₹8,36,000/- to the claimant who suffered injury on 25.01.2014 in motor accident with bus of Punjab Roadways bearing registration No.PB-06-H-9538.

2. Learned counsel for the appellant has argued that the Tribunal has allowed compensation for loss of earning, without there being any evidence on record that claimant had suffered permanent disability. On account of pain and suffering an amount of ₹1,00,000/- has been awarded by the Tribunal which is also on higher side.

3. The perusal of the award shows that the Tribunal on the basis of the record has observed that after the accident the claimant remained admitted in Civil Hospital, Panthakot from where she was referred to Chouhan Hospital Kotli and she remained admitted there for a sufficient long time. Despite treatment her right eye side has come down, her right arm and right leg were not working properly and she had also suffered loss of memory. The claimant was found mentally disabled to the extent of 50%. Doctor, who initially examined her, opined that disability was temporary and with regular medication and counselling and follow up for a period of about two years such disorder could be overcome. Under the order of the Tribunal another medical examination of claimant was got conducted and the Medical Board found the claimant as having 50% disability. The Tribunal has also observed the condition of the claimant when her statement was recorded and observed that her ability of observation and respond was slow probably due to head injury sustained by her in the accident. Keeping in view her state of health the learned counsel for the respondents were requested to cross-examine the witness with mild attitude without any aggression.

4. On the basis of above evidence, the Tribunal had taken the loss of income of the claimant to the tune of `25% only and awarded compensation tabulated as follows:

Sr. No.	Heads	Calculation
1.	Loss of earning	₹1,250 per month. Annual 1250x12=15,000/-
2.	Compensation after multiplier of 18 is applied	₹15,000 x 18 =2,70,000/-
3.	Medical Expenses	₹1,61,000/-

4.	Pain and suffering	₹1,00,000/-
5.	Loss of Amenities	₹2,00,000/-
6.	Future Medication	₹1,00,000/-
7.	Special Diet	₹5,000/-
8.	Total	₹8,36,000/-

5. It is a case where the claimant has suffered 50% disability and the life has become very difficult for her. She was a young girl of the age of 19 years studying in 10+2 at the time of accident. The perusal of the table referred above depicts that the Tribunal has been very considerate while awarding the compensation and on none of the head for which the compensation was allowed, cannot be termed as excessive, calling for any interference.

6. In view of my above discussion this appeal has no merit. Accordingly the appeal is dismissed in limine.

16th September, 2015
‘raj’

(SURINDER GUPTA)
JUDGE