

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6747 of 2015 (O&M)
Date of decision: 20.10.2015

Amarjit Singh

.....Appellant(s)

Versus

Simarjit Kaur

.....Respondent(s)

CORAM:- HON'BLE MR.JUSTICE DARSHAN SINGH

1. Whether reporters of local newspapers may be allowed to see judgment? Yes
2. To be referred to reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

* * *

Present: Ms. Anupam Bhanot, Advocate for the appellant.

DARSHAN SINGH, J.

1. Appellant-Amarjit Singh has preferred this appeal against the award dated 8.7.2015 passed by the Motor Accident Claims Tribunal, Hoshiarpur (hereinafter called 'the Tribunal) in MACT Case No.03 of 2013.

2. Respondent-Simarjit Kaur, a girl aged about 3½ years, had filed the petition under Section 166 Motor Vehicles Act, 1988 through her father for grant of compensation to the tune of ₹10,00,000/- on account of injuries suffered by her in the motor vehicular accident which was caused by the appellant on 29.6.2013 while driving Verna Car bearing Registration No.PB-03-P 8047.

3. The learned Tribunal vide impugned award dated

8.7.2015 has awarded the compensation of ₹1,19,600/- in favour of respondent-Simarjit Kaur to be paid by the present appellant along with interest @ 6% per annum. In case the awarded amount is not paid within two months from the date of passing of award, the interest will be paid @ 9 % per annum till its actual realisation.

4. Aggrieved with the aforesaid award dated 8.7.2015, the present appeal has been preferred.

5. I have heard Ms. Anupam Bhanot, Advocate, learned counsel for the appellant and have carefully gone through the paper book.

6. Learned counsel for the appellant has assailed the impugned award on the quantum of the compensation. She contended that the learned tribunal has awarded the exorbitant amount of compensation qua the pain and suffering, special diet and transportation etc. She contended that the claimant was child of only 3 ½ years of age. So, it is not expected that much money will be spent on her special diet.

7. I have duly considered the aforesaid contentions.

8. This fact is not disputed that due to multiple injuries received by respondent-child in the present accident, she had to remain admitted in the hospital from 29.6.2013 to 8.7.2013 i.e. for a period of 10 days. She was a child of only 3 ½ years of age. She had to be hospitalised for a period of 10 days to undergo the treatment. The learned Tribunal has awarded a sum of ₹ 30,000/- towards pain and suffering. The said amount seems to be quite

reasonable in view of the fact that respondent-child has suffered multiple injuries and remained hospitalised for a period of 10 days.

9. The Tribunal has awarded the compensation of ₹ 15,000/- towards the special diet. I do not find any substance in the plea raised by the learned counsel for the appellant that much money will not be spent on the special diet of the respondent as she was a child. Rather it is a known fact that the food meant for the children is more expensive than even the adult. So, compensation of ₹ 15,000/- awarded by the learned Tribunal towards special diet is also just and appropriate.

10. The Tribunal has also awarded a sum of ₹ 5,000/- towards transportation charges as respondent had remained admitted in the hospital for 10 days and she might have to attend the hospital even for the follow up treatment. So, the compensation of ₹ 5,000/- awarded towards transportation is also quite reasonable. The Tribunal has awarded a total sum of ₹ 1,19,600/- as compensation including a sum of ₹ 69,600/- towards medical treatment. Thus, the amount of compensation awarded by the learned Tribunal is quite reasonable and does not call for any interference by this Court.

11. Consequently, the present appeal has no merits and the same is hereby dismissed.

October 20, 2015
ps

(DARSHAN SINGH)
JUDGE

