

In the High Court of Punjab and Haryana at Chandigarh

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CM No.3133-CII of 2014

and

F.A.O. No.949 of 2014

.....

Date of decision:24.7.2015

Kavita

.....Appellant

v.

Mahabir and another

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Kewal Krishan, Advocate for the appellant.

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Inderjit Singh, J.

CM No.3133-CII of 2014:

For the reasons mentioned in the civil miscellaneous application, the delay of 68 days in filing the appeal is condoned.

The civil miscellaneous application stands disposed of.

F.A.O. No.949 of 2014:

This appeal has been filed by Kavita-appellant/claimant against Mahabir and Chief Manager, Rajasthan State Road Transport Corporation, Churu-respondents for enhancement of compensation of ₹3,19,083/- along with interest @6% per annum from the date of filing of petition till realization awarded by the Motor Accident Claims Tribunal, Bhiwani vide

award dated 14.5.2013.

The brief facts of the case are that Kavita-claimant filed the claim petition against Mahabir-driver of Bus No.RJ-10-PA-1548 (hereinafter referred to as 'the offending bus') and Chief Manager, Rajasthan State Road Transport Corporation, Churu-owner of the offending bus under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') alleging that after the accident she was taken to General Hospital, Bhiwani, where she was medico-legally examined and thereafter shifted to PGIMS, Rohtak. A sum of ₹2 Lacs has already been spent on her treatment. At the time of accident, she was earning ₹10,000/- per month from tuition work. The petitioner has filed the claim petition for compensation of ₹20 Lacs along with interest against respondent No.1-driver and respondent No.2 owner of the offending bus and both the respondents are liable to pay compensation jointly and severally.

The Tribunal decided this claim petition along with other claim petition filed by other persons and awarded compensation of ₹3,19,083/- for the injuries suffered by the claimant/appellant. The appellant filed this appeal for enhancement of the compensation.

I have heard learned counsel for the appellant and have gone through the record.

Appellant-Kavita appeared herself as PW-2 and stated that she was taken to General Hospital, Bhiwani and then she was referred to PGIMS, Rohtak. At the time of accident, she was a student of B.A. Ist year. She was selected for J.B.T. Training. She was earning ₹10,000/- per month

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from tuition. PW-3 Dr. S.S. Dhankar proved the disability certificate. In cross-examination, he admitted that pain in the right knee was timely curable. He also stated that this disability was of a particular limb and not for whole body and patient could do her routine work easily. The bills were also produced. As per doctor's statement, there was 12% disability. The Tribunal after considering the evidence on record granted ₹1,95,083/-for medical bills and treatment charges; on the ground of 12% disability ₹24,000/- has been granted. The Tribunal further granted costs of transportation, special diet, attendant and loss of income etc. as ₹50,000/- and further on the ground of pain and sufferings as ₹50,000/-. A perusal of the record shows that the doctor has stated that she can do the work in routine and pain on her right knee was timely curable.

There is otherwise no evidence on record that due to this disability there was any loss of income.

Therefore, from the above, I find that the compensation given by the Tribunal is assessed as per evidence which has been given for the injuries suffered by the appellant and the same is just and adequate.

Therefore, finding no merit in the appeal, the same is dismissed.

July 24, 2015.

(Inderjit Singh)
Judge

hsp