

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

FAO-3267-1999 (O&M)

Date of Decision: 09.02.2016

Mrs. Suman Kumar w/o Sanjay Kumar

...Appellant

Versus

Parminder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Manoj Bajaj, Advocate for the appellant.

Mr. V.K. Garg, Advocate
for Oriental Ins. Co.

Mr. Gopal Mittal, Advocate for
United India Insurance Co. Ltd.

JITENDRA CHAUHAN, J. (Oral)

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Faridabad, ('the Tribunal', for brevity) vide award dated 07.05.1999.

2. It is contended that that the appellant suffered grave injuries and had lost foetus at a young age. She remained hospitalized from 20.03.1994 to 24.03.1994. The compensation awarded is inadequate in view of the nature of injuries suffered

by the appellant.

3. On the other hand, the learned counsel for the respondent-Insurance Company, contends that just and reasonable compensation has been awarded to the appellant.

4. I have heard the learned counsel for the parties and perused the record.

5. In the instant case, the injured-appellant, was 26 years of age at the time of the accident. She remained hospitalized from 20.03.1994 to 24.03.1994. She suffered abortion at the young age resulting into a severe adverse impact on the health and day to day life of the appellant. The learned Tribunal has awarded Rs.10,000/- towards treatment, pain and suffering, which is inadequate, keeping in view the age of the appellant. Therefore, this Court feels that the ends of justice would be adequately met in case, another amount of Rs. 25,000/- under this head is awarded. It is ordered accordingly. The compensation awarded under all other heads seems just and reasonable.

6. In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.25,000/-, as indicated above, over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment,

failing which, he shall also be entitled to interest @ 7.5% p.a., from the date of filing the present appeal, till its realization. The liability shall remain the same as reflected in the impugned Award.

7. With the aforesaid modification in the impugned award, the present appeal is partly allowed.

09.02.2016

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**(JITENDRA CHAUHAN)
JUDGE**