

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

FAO-2570-2001

Date of decision: 16.2.2016

Poonam Malik

...Appellant

Versus

Chandigarh Transport Undertaking and another

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Rohit Goswami, Advocate for
Mr.Vinod Chaudhri, Advocate for the appellant

Mr.Deepak Sharma, Advocate for respondent No.1

SNEH PRASHAR, J.

By way of this appeal the appellant seeks enhancement of the compensation awarded by learned Motor Accidents Claims Tribunal, Chandigarh (in short 'the Tribunal'), vide award dated 20.10.2000 on account of the injuries suffered by her in a road side accident.

The submissions made by learned counsel for the parties have been heard and record perused.

It was argued on behalf of the appellant that she was employed as an Assistant in Oriental Insurance Company and was drawing a salary of Rs.7000/- per month when she suffered injuries in the motor accident. At that time she was a young girl aged 26

years and she lost one tooth and another was badly damaged. In addition to huge expenditure on treatment she also suffered face disfiguration. Being confined to bed due to the injuries she was forced to take 20 days sick leave, which was allowed on payment of half salary. In addition to the same, since she was not in a position to do household work for a considerable long time, she had employed a maid namely Gulabo to whom she used to pay Rs.700/- per month.

The appellant stated that she suffered multiple injuries all over her body including fracture in right elbow and injuries on her nose and forehead. She was treated at PGI, Chandigarh for the fracture and facial injuries and to prove the dental treatment taken by her as her one tooth got broken and another was damaged, she examined PW2 Dr. S.Banerjee, who stated that for implantation of the broken tooth, he had to make a bridge and in that process two adjoining teeth on both sides of jaw were effected. He also stated that he keeps on reviewing the case of the appellant periodically because of sensitive position of the injuries sustained by her and that the treatment given will be of relief to the appellant for maximum 8 to 10 years as average life span of the bridge is only that long and thereafter, the appellant would require replacement of the bridge, which may cost Rs.35,000/- to 40,000/-.

As per Ex.P3, PW2 Dr.S.Banerjee had charged Rs.7000/- for complete treatment given to the appellant. When the charges of Dr.S.Banerjee were Rs.7000/- for treatment/ implantation of the tooth, he could not explain the reason for quoting the future charges four times than what he had himself charged. However, it is possible that the treatment becomes expensive and the appellant will have to pay more money for implantation i.e. change of bridge twice in future. As such, the amount Rs.14,000 assessed by learned Tribunal towards future medical expenses is enhanced to Rs.30,000/-.

Considering the nature of injuries sustained by the appellant, the amount of Rs.20,000/- awarded by learned Tribunal for disfiguration and pain will be counted under the head of pain and suffering undergone by the appellant and for disfiguration suffered by her a further amount of Rs.20,000/- is allowed.

Except for her bald testimony, no evidence was led by the appellant to prove that she had engaged a maid or had paid Rs.700/- per month for getting the household work done. As regards leave without pay for twenty days taken by the appellant, she has already been compensated by being allowed Rs.2400/- on account of loss of income.

The enhanced amount of Rs.36,000/- as above shall be

paid to the appellant by the Insurance Company within two months from the date of the receipt of the certified copy of this judgment, failing which, it shall carry interest at the rate of 7.5% per annum from the date of the filing of the appeal till its realisation.

In the above premises, the present appeal is partly allowed and the impugned award is modified as noticed above.

16.2.2016
gsv

(SNEH PRASHAR)
JUDGE