

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : March 28, 2016

1. FAO No.2618 of 2001

Shanti Devi vs Rajinder Singh and others

2. FAO No.2619 of 2001

Om Pati vs Rajinder Singh and others

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sandeep Kotla, Advocate
for the appellants.

Mr. Pardeep Goyal, Advocate
for respondent No.3.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This order shall dispose of FAO Nos.2618 and 2619 of 2001, as they arise out of the same Award.

These appeals have been filed against the Award of the Tribunal dated 12.9.2000 for enhancement by the injured-claimants. Brief facts are that on 13.9.1996, appellants Shanti Devi and Om Pati along with two others were standing at the eastern gate of bus stand at Hansi on extreme side of the road, and the offending truck being driven by respondent No.1 rashly and negligently came and hit all the four. Due to this accident, all the four persons fell down and sustained injuries. Injured-Shanti Devi suffered

fractures of left wrist and left hand, while injured-Om Pati suffered fracture of left ankle. The Tribunal held respondent No.1 responsible for causing the accident. In the case of injured-Shanti Devi, the Tribunal held that she suffered 5% permanent disability and on this account awarded a sum of ₹ 11,000/-. Further a sum of ₹ 8,000/- was awarded for pain and suffering, a sum of ₹ 2400/- was awarded for special diet and transportation charges, a sum of ₹ 3000/- for loss of income, and a sum of ₹ 600/- was awarded for medical expenses. As regards, injured-Om Pati, the Tribunal assessed 50% disability on account of deformity of left foot, and awarded a sum of Rs.25,000/- for permanent disability, a sum of ₹ 10,000/- for pain and suffering, a sum of ₹ 2500/- for special diet and transportation expenses, a sum of ₹ 3000/- for loss of income, and a sum of ₹ 4300/- as medical expenses.

FAO No.2618 of 2001

Counsel for the appellants has argued that as regards appellant-Shanti Devi, there was 5% disability due to mal-united fracture of left wrist and the compensation awarded is grossly inadequate.

Counsel for the respondent has, however, argued that as regards the assertion that the appellant was in hospital for 25-26 days, there is no proof forthcoming and the Tribunal has awarded a total sum of ₹ 25,000/- under different heads as indicated above.

In my opinion, there is no ground to increase the compensation under any head and consequently, FAO No.2618 of 2001 is dismissed.

FAO No. 2619 of 2001

As regards appellant-Om Pati, counsel for the appellant has

argued that an amount of ₹ 44,800/- awarded by the Tribunal is highly inadequate considering the fact that she had suffered 50% permanent disability because of deformity in left foot. As per him, technical argument regarding disability certificate cannot be accepted and the Tribunal has rightly held that the appellant did suffer permanent disability of the foot portion of the left leg, and if that was so, she should have been awarded another amount of ₹ 25,000/- on account of permanent disability.

Counsel for the respondent has argued that the appellant was 65 years old woman.

Keeping in view the entire facts and circumstances of the case, I deem it appropriate to further increase the amount by ₹ 12,500/- for permanent disability. There is no scope for further increase under any other head. The enhanced amount would carry rate of interest as 8% pa from the date of application till the date of payment.

This appeal stands disposed of.

March 28, 2016
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(AJAY TEWARI)
JUDGE