

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

FAO No. 3301 of 2002 (O&M)

Date of decision: February 23, 2016

Meetu

...Appellant

Versus

Vikas Malhan and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers 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?**

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Siddharth Jain, Advocate,
for the appellant.

Mr. RN Singal, Advocate,
for the insurance company.

K. KANNAN, J. (Oral)

1. The appeal is for enhancement of claim for injuries sustained in a motor accident. The accident had taken place on 18.9.1997 and the claimant was a student in a college doing interior designing at Delhi. She was 20 years of age and the doctor who treated her at Soni Nursing Home, Hisar, gave evidence that she was admitted to the hospital on 19.8.1997 and discharged on 22.8.1997. He also gave evidence that she was going to Delhi for treatment. She had two fractures, one of maxillary bone and another nasal bone. The Tribunal assessed the medical expenses and hospital charges at ₹33,000/-, ₹5,000/- for special diet, another ₹5,000/- for pain and suffering and ₹7,000/- for the loss of amenities that she suffered.

The Tribunal awarded ₹50,000/-.

2. I will take the medical expenses and hospital charges as already assessed, enhance the provision for special diet for double the amount, considering that she had fractures on her maxillary bone and nasal bone and she must have been fed through a special process. I will also make a modest provision for transportation expenses taking note of her evidence that she had been going to Delhi for treatment, apart from treatment at Hisar. Provision for pain and suffering for a fracture on any part of the face which is very sensitive area ought to be relatively higher than what has been assessed. I will also make a provision for loss of prospects of marriage because of her facial scar which constitute dimunition of cosmetic value. I tabulate various heads of claim as under:-

<i>Injured Case</i>	<i>Meetu @ Payal</i>	<i>Date of accident</i>	<i>24.5.2001</i>
<i>Age</i>	<i>20</i>	<i>19.8.1997</i>	
Period of hospitalization	19.8.1997 to 22.8.1997 at Hisar and Delhi		
Occupation & Income	Student		
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1	Loss of Income from to		
2	Medical Expenses	23,500	23,500
	(i) Medicines		
	(ii) Hospital charges	9,500	9,500
	(iii) Attendant charges		
	(iv) Special Diet	5,000	10,000
	(v) Transportation		5,000
3	Pain and suffering	5,000	25,000
4	Disability	7,000	15,000
5	Loss of earning capacity		
	(i) Income		
	(ii) Multiplier		
(iii)	% of loss of earning capacity		
6	Loss of amenities		

7	Reduction of life expectancy		
8	Loss of prospect of marriage		25,000
	Total	50,000	1,13,000

3. The total compensation payable shall be ₹ 1,13,000/- and the amount in excess over what was awarded will also attract interest @7.5% from the date of the petition till the date of payment. The liability shall be the same as determined by the Tribunal.

4, The appeal is allowed to the above extent.

February 23, 2016
prem

(K.KANNAN)
JUDGE