

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.5410 of 2006 (O&M)

Date of decision: September 20, 2016

Tripta Devi

... Appellant

Versus

RFN Depinder Thapa & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vishal Aggarwal, Advocate for the appellant.
Mr. R.N. Singal, Advocate for respondent No.3.

Rajan Gupta, J.

Claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like medical expenses etc. and even no amount has been granted for pain and suffering as well as attendant. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads.

Respondents No.1 & 2 remain unrepresented.

Learned counsel for respondent No.3 insurance company submits that adequate compensation has been awarded for the injuries suffered by the appellant.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that accident took place on 19.8.2003, in which appellant suffered injuries. Admittedly, accident was result of rash and

negligent driving of the offending vehicle i.e. Motorcycle No.PB-35-E-0241 being driven by respondent No.1. As a result of said accident, appellant, who is 62 years of age and is a retired school teacher, suffered injuries on various parts of her body and remained admitted in CMC Hospital from 21.8.2003 to 17.9.2003. She suffered 42% disability as proved by Dr. S.K. Hans. The tribunal has granted Rs.87,336/- for medical treatment and Rs.50,000/- for past and future medical expenses. In my considered view, compensation granted on account of medical treatment is on the lower side. Certain plates were inserted which were to be removed later on by way of operation. Therefore, appellant would be entitled to another sum of Rs.30,000/- towards medical expenses. As the tribunal has not granted any amount for pain and suffering as well as attendant, appellant would also be entitled to Rs.30,000/- and Rs.20,000/- under these heads respectively. The appellant would also be entitled to interest as awarded by the tribunal. Recovery rights of the insurance company shall remain intact. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

September 20, 2016
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No