

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

FAO-5404-2005 (O&M)

Date of decision: 25.02.2016

Babli

...Appellant

Versus

General Manager, Himachal Road Transport Corp. and others.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Surinder Sharma, Advocate for the appellant.

Mr. Ravinder Arora, Advocate,
for respondent Nos.1 and 2.

JITENDRA CHAUHAN, J.

CM-25206-CII-2005

Heard.

CM application is allowed, for the reasons mentioned therein and the delay of 59 days in refiling the appeal is condoned.

Main case

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, Chandigarh, ('the Tribunal', for brevity) vide award dated 02.05.2005.

2. It is contended that the appellant suffered multiple injuries including fracture of the left leg for which she was operated upon and rod was inserted. The disability qua lower left limb is assessed at 6%. The appellant is house maker. The treating doctor, Dr. Narinder Kumar, has stated that the appellant suffered multiple injuries and she was operated for fracture in the lower limb of the left leg. Further, skin grafting of right foot for other injuries was also carried out. The appellant was further advised for follow-up treatment.

3. On the other hand, the learned State counsel has vehemently opposed the present appeal.

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

5. The learned Tribunal has awarded Rs.20,000/- towards general damages for pain and suffering, which keeping in view the details of the injuries given by the treating doctor Narinder Kumar is inadequate. She was also advised follow-up treatment. Therefore, the amount deserves to be enhanced to another amount of Rs.20,000/- under this head. No amount has been awarded towards attendant charges. Accordingly, an amount of Rs.15,000/- is awarded under this head. Furthermore, another amount of Rs.5,000/- is granted towards transportation and Rs.10,000/- for

future treatment.

6. In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.50,000/-, 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, she shall also be entitled to interest @ 7.5% p.a., from the date of filing the present appeal, till its realization.

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

25.02.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**