

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

FAO No.2197 of 2009 (O&M)

Date of decision : 05.09.2016

Sumitra

.....Appellant

Versus

Khushi Ram and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Surender Saini, Advocate for appellant.

Mr. Mandeep Singh, Advocate for respondent No.1.

Mr. Paul S. Saini, Advocate for respondent No.3.

DARSHAN SINGH, J.

CM-10686-CII-2009

There is delay of 29 days in filing the present appeal. The appellants have filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 29 days in filing the present is hereby condoned.

FAO No.2197 of 2009

The present appeal has been preferred by by the appellant-claimant against the award dated 18.11.2008, passed by learned Motor Accidents Claims Tribunal, Sonipat (hereinafter called the "Tribunal") vide which the appellant-claimant has been awarded compensation to the tune of Rs.1,34,958/- on account of the injuries suffered by her in the motor

vehicular accident, which took place on 24.05.2007.

2. The present appeal has been preferred by the appellant-claimant for enhancement of award of compensation.

3. I have heard learned counsel for the parties and have gone through the paper-book carefully.

4. Initiating the arguments, learned counsel for the appellant contended that no amount has been awarded to the appellant-claimant towards the permanent disability suffered by her. Thus, she has not been awarded just compensation.

5. On the other hand, learned counsel for the respondents contended that PW-3 Dr. Ved Parkash Gupta has categorically stated that disability was liable to be cured within six months. So, the learned Tribunal has rightly not awarded any compensation to the claimant on account of the disability.

6. I have duly considered the aforesaid contentions.

7. As per the statement of PW3 Dr. Ved Parkash Gupta and the disability certificate, the claimant has suffered 25% disability on account of the injuries received by her in this accident. However, in the cross-examination, PW-3 Dr. Ved Parkash Gupta has stated that said disability could improve by six months. So, he has simply given the opinion that the disability can be reduced with the passage of time. Thus, at the most it can be stated that the appellant-claimant has suffered the temporary disability, but that cannot be a ground to totally decline any amount of compensation to the claimant on account of disability. Thus, keeping in view the fact that

the disability suffered by the claimant was only temporary in nature and was likely to be reduced within six months, so the claimant shall be entitled to a sum of Rs.25,000/- on account of the disability suffered by her.

8. No other point was argued before me.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellant-claimant is enhanced to Rs.1,59,958/- from Rs.1,34,958/- as awarded by the Tribunal. The appellant-claimant shall also be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as determined by the learned Tribunal. The liability to pay the enhanced amount of compensation shall remain as determined by the learned Tribunal in the main award.

05.09.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No