

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

FAO-5429-2012 (O&M)

Date of decision: 22.03.2016

Sudesh Kumari

...Appellant

Versus

Surjit Singh and others

...Respondents

FAO-3049-2013 (O&M)

Ashwani Kumar

...Appellant

Versus

Surjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Satbir Singh Katnoria, Advocate,
for the appellants.

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

Mr. R. S. Madan, Advocate
for respondent No.3.

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JITENDRA CHAUHAN, J.

By this common judgment, I shall dispose of the
aforesaid two appeals.

The present appeals have been filed by the injured-

claimants, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Chandigarh, ('the Tribunal', for brevity) vide award dated 17.01.2012.

2. The learned counsel for the appellants contends that the compensation awarded by the learned Tribunal is inadequate in view of the fact that the appellants had suffered multiple injuries and the appellants, Sudesh Kumari and Ashwani Kumar remained hospitalised from 22.03.2007 to 03.04.2007 and 21.03.2007 to 04.04.2007, respectively.

3. On the other hand, the learned counsel for the Insurance Company contends that just and reasonable compensation has been awarded to the appellants.

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

5. As per the disability certificates Ex.P74/A and Ex.P119, issued by the Government Medical College and Hospital, Sector-32, Chandigarh, the appellants-Ashwani Kumar and Sudesh Kumari, had suffered permanent disability to the extent of 5% with respect to left lower limb. This is also not in dispute that the appellant, Sudesh Kumari was admitted to hospital on 22.03.2007 and operated upon on 24.03.2007 and discharged on 03.04.2007, whereas the appellant, Ashwani Kumar was admitted to hospital on

21.03.2007 and operated upon on 22.03.2007 and discharged on 04.04.2007. The learned Tribunal has awarded Rs.15,000/- towards permanent disability of 5% and pain and suffering. This is to be seen that the appellants were operated upon and remained hospitalised and had to undergo pain and suffering during the post operation period as well, therefore, this Court feels that another sum of Rs.15,000/-, in each case, is awarded for 'permanent disability and pain and suffering', to meet the ends of justice. It is ordered accordingly.

6. In view of the above, the injured-appellants are held entitled to the enhanced compensation of Rs.15,000/- each towards 'permanent disability and pain and suffering' payable to the injured-appellants, 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, they shall also be entitled to interest as indicated in the award i.e. 7.5% per annum, from the date of filing the present appeal, till its realization.

7. With the aforesaid modification in the impugned award, the present appeals are partly allowed.

22.03.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**