

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

FAO No.1474 of 2013

Date of decision : 05.09.2016

Nisha

.....Appellant

Versus

Sachin and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sunil K. Dhanda, Advocate for
 Mr. Rajesh Lamba, Advocate for appellant.

Mr. G.D. Gupta, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellant-claimant against the award dated 14.12.2012, passed by learned Motor Accidents Claims Tribunal, Faridabad (hereinafter called the “Tribunal”) vide which the appellant-claimant has been awarded compensation to the tune of Rs.30,000/- on account of the injuries suffered by her in the motor vehicular accident, which took place on 11.03.2012.

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

3. Notice of this appeal was issued to all the respondents. Respondent No.2 did not appear despite service. Respondent No.1 was the driver of the vehicle. As there was no dispute of liability, so the presence of respondent No.1 was not required. So, service of respondent No.1 was dispensed with.

4. I have heard learned counsel for the parties and have gone through the record carefully.

5. Initiating the arguments, learned counsel for the appellant contended that very meagre amount of compensation has been awarded to the claimant. Though she has suffered the serious injuries in this accident, no amount has been awarded for special diet and attendant charges. The compensation awarded on account of pain and suffering is also inadequate.

6. On the other hand, learned counsel for the respondent-Insurance Company contended that the learned Tribunal has taken into consideration all the relevant heads while computing the compensation payable to the appellant and sufficient/just amount of compensation has been awarded under all the heads. No further enhancement will be justified.

7. I have duly considered the aforesaid contentions.

8. The learned Tribunal has awarded Rs.25,000/- as compensation to the claimant on account of treatment and transportation charges and Rs.5000/- towards pain and suffering. Total Rs.30,000/- has been awarded. Keeping in view the nature of the injuries suffered by her, the amount of compensation on account of treatment and transportation charges is enhanced from Rs.25,000/- to Rs.30,000/-. Learned Tribunal has not awarded any compensation to the claimant on account of special diet and attendant charges. The claimant shall be entitled to a sum of Rs.5000/- towards special diet and Rs.4000/- towards attendant charges for a period of two months at the rate of Rs.2000/- per month. In this way, the appellant-claimant shall be entitled to a total sum of Rs.44,000/-.

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.44,000/- from Rs.30,000/- as awarded by the Tribunal. The appellant-claimant shall 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 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