

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

FAO No.10174 of 2014 (O&M)

Date of decision : 03.08.2016

Santosh Kumari

.....Appellant

Versus

Gurnaib Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Uday Chauhan, Advocate for
Mr. Vivek Suri, Advocate for appellant.

Mr. R.P. Daaria, Advocate for respondent No.1.

Mr. Ajay Sharma, DAG, Haryana for respondent No.2.

Mrs. Shamsher Kaur, Advocate for respondent No.3-
Insurance Company.

DARSHAN SINGH, J.

CM-28056-CII-2014

There is delay of 114 days in filing the present appeal. The appellant has filed an application under Section 5 of the Limitation Act, 1963 for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 114 days in filing the present appeal is hereby condoned.

FAO No.10174 of 2014

The present appeal has been preferred by the appellant-claimant

against the award dated 07.05.2014, passed by the learned Motor Accidents Claims Tribunal, Panchkula (hereinafter called the 'Tribunal') vide which the appellant-claimant has been awarded a sum of ₹ 74,980/- as compensation on account of injuries suffered by him in the motor vehicular accident, which took place on 12.08.2012.

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

3. Learned counsel for the appellant-claimant contended that appellant-claimant was only a child of six years at the time of the accident. She remained admitted for 23 days i.e. from 12.8.2012 to 3.9.2012 in the hospital. The learned Tribunal has awarded only ₹ 15,000/- as compensation on account of pain and suffering and ₹ 12,580/- towards medical expenses, which are highly inadequate. Thus, he contended that the just compensation has not been awarded.

4. On the other hand, learned counsel for the respondents contended that the learned Tribunal has taken into consideration all the heads to compute the compensation and the compensation awarded is just and appropriate.

5. I have duly considered the aforesaid contentions.

6. The learned Tribunal has awarded ₹ 15,000/- on account of pain and suffering and ₹ 12,580/- on account of medical expenses. The amounts under these heads are inadequate and require to be enhanced. Keeping in view the fact that claimant was only six years of age at the time of accident, so she was a child of tender age and she remained admitted in

the hospital for a period of 23 days, she will be entitled to a sum of ₹ 20,000/- towards pain and suffering and ₹ 20,000/- towards medical expenses. In this way, the total amount of compensation comes to ₹87,400/-.

7. 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 ₹ 87,400/- from ₹ 74,980/- 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 shall remain as determined by the learned Tribunal in the main award.

03.08.2016

sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No