

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

FAO-4179-2013 (O&M)  
Date of Decision: 04.03.2016

Battan

...Appellant

Versus

Nishar Ahmad and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Jamshed Ahmed, Advocate for the appellant.

Mr. D.K. Prajapati, Advocate for  
Mr. R.S. Madan, Advocate  
for respondent No.3.

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**JITENDRA CHAUHAN, J. (Oral)**

**CM-16855-CII of 2013**

Keeping in view the averments made in the application, the same is allowed. The delay of 166 days in filing the present appeal is hereby condoned.

**FAO-4179-2013**

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, Nuh, ('the Tribunal', for brevity) vide award dated 17.09.2012.

2. It is contended that a meager compensation of

Rs.62,000/- has been allowed, whereas, the appellant had spent an amount of Rs.80,000/- on her treatment. The appellant being an old lady suffered multiple grievous injuries in the accident, therefore, the learned Tribunal ought to have allowed the entire amount spent on treatment. He further contends that the learned Tribunal has awarded interest @ 6% p.a., from the date of filing which is less than the prevalent rate and accordingly, a prayer has been made to enhance the same @ 18% per annum.

3. The learned counsel for respondent No.3-Insurance Company has vehemently opposed the present appeal on the ground that just and reasonable compensation has already been awarded to the appellant.

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

5. The accident is not in dispute. As per record, the medical bills Mark A to Mark H amounting to Rs.46627/- proved on file have already been allowed. The claimed amount is not approved by the treating doctor, therefore, the Tribunal has rightly declined the same. However, due to the injury i.e. fracture, the appellant must have remained immobile for a considerable period. Thus, a sum of Rs.10,000/-, on account of pain and suffering, keeping in view the multiple injuries, is certainly inadequate. Therefore, the same is enhanced to another

Rs.10,000/-. It is further noticed that no amount has been paid towards special diet and attendant charges. Accordingly, an amount of Rs.10,000/- each is awarded under above two heads. The compensation awarded under all other heads seems just and reasonable.

6. In view of the above, the claimant-appellant is held entitled to enhanced compensation of Rs.20,000/-, 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 certified copy of this judgment, failing which, he 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.

**04.03.2016**

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**( JITENDRA CHAUHAN )  
JUDGE**