

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

FAO No.1837 of 2016(O&M)

Date of Decision: April 04, 2016

Reliance General Insurance Company Ltd.

...Appellant

Versus

Smt.Krishna and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Raj Kumar Bashamboo, Advocate for
the appellant – Insurance Company.

HARINDER SINGH SIDHU, J.

For the reasons stated in the applications (CM-7017-CII and CM-7018-CII of 2016) the delay of 113 days in re-filing and 8 days in filing the appeal is condoned.

Reliance General Insurance Company Limited has challenged the award dated 20.7.2015 passed by Motor Accident Claims Tribunal, Jhajjar (for short `the Tribunal) awarding compensation of Rs.10,26,892/- to claimant Krishna for the injuries suffered by her in a vehicular accident on 01.11.2009.

The Tribunal, after recording the evidence and granting opportunity of hearing to both the parties, awarded compensation as under:-

Sr.No.	Expenses	Amount
1.	On account of pain and suffering	Rs.50,000/-
2.	On account of loss of income (15000/- p.a x 9 multiplier x 88% disability)	Rs.1,18,800/-
3.	On account of disability and the expenses for physiotherapy (in lump sum)	Rs.3,50,000/-
4.	On account of medical bills	Rs.3,38,092/-

5.	On account of expenses on transportation and nourishing food etc.	Rs.20,000/-
6.	On account of expenses on attendant charges etc. (in lump sum)	Rs.1,00,000/-
7.	On account of future medical expenses	Rs.50,000/-
	Total	Rs.10,26,892/-

Ld. Counsel for the appellant – Insurance company has challenged the Award on quantum of compensation only. It is contended that the Tribunal has assessed the permanent disability on higher side and accordingly, the amount determined under this head is excessive.

The Tribunal has framed the following issue with regard to quantum of compensation:

“2. If issue No.1 is proved in affirmative, whether the petitioner is entitled to compensation, if so, to what amount and from whom? OPP.”

It has come in evidence that after the accident on 01.11.2009, the claimant was shifted to General Hospital, Jhajjar, but since her condition was serious, she was referred to PGIMS, Rohtak, which in turn referred her to Jaipur Golden Hospital, Delhi. The doctors at Jaipur Golden Hospital also refused to operate her and she was shifted to Fortis Hospital, Noida, where, she was operated upon for head injury by a team of doctors. She remained hospitalised till 14.11.2009. Thereafter, she took further treatment from Mansarovar Hospital, Rohtak, which is still continuing.

In support of her claim for compensation, the claimant has examined Sushil Kumar (PW2), Dr.Ashwani Kumar Singh (PW3), Dr.Ajay Chahar (PW4), Vijender Singh (PW5), Suman (PW6), Bijender (PW7), Dr.Anil Gulia (PW8), Sushil Kumar (PW10) and Kishan (PW11).

Dr.Ashwani Kumar Singh deposed that the claimant was initially treated

at General Hospital, Jhajjar and later on, was referred to PGIMS, Rohtak. Dr.Ajay Chahar, Physiotherapist at Rakesh Medicare Centre, Jhajjar deposed that he had been attending the claimant for her physical therapy treatment w.e.f. 04.01.2010 till the date of deposition and charging Rs.10,000/- per month. Suman testified that she had been attending the claimant since December, 2009 and charging Rs.5000/- per month for her services.

On the point of permanent disability, Dr.Anil Gulia (PW8) deposed before the Tribunal that he was posted as Medical Officer at General Hospital, Jhajjar. Civil Surgeon had constituted a Board to assess the disability of the claimant, aged 65 years. Dr. H. R. Passi was the Chairman. He also stated that he and Dr. Achal Tripathi were the members of the Board and they had assessed the disability of the claimant to the extent of 88% (permanent) on account of operated case of left frontal intra cranial heamotoma with severe right side hemiparesis with moderate MR (Mental Retardation) I.Q.-38%. This witness also proved the disability certificate Ex.P14. During cross-examination, the suggestions put up by the Ld. counsel for the appellant – Insurance Company that disability of the claimant could be reduced with the passage of time and that the Board had assessed the disability on higher side, were specifically denied by him.

In view of the nature of the injury and the permanent disability suffered by the claimant due to the same, as explained by the doctor, I don't find any fault with the finding of the Tribunal that the claimant has suffered 88% permanent disability and, therefore, the award of compensation accordingly, is justified.

No other point was raised.

Appeal dismissed.

April 11, 2016

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(HARINDER SINGH SIDHU)
JUDGE