

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.4777 of 2014
Decided on: 26.08.2016

Mamta
.....Appellant
Versus
Dinesh Kumar and others
.....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Vivek Khatri, Advocate for the appellant.
Mr. Sushil Sheoran, Advocate for respondents No.1 and 2.
Mr. Subhash Goyal, Advocate for respondent No.3.

REKHA MITTAL, J.

Mamta, the injured/victim is in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Hisar (for short 'the Tribunal') in regard to injuries sustained by her in a motor vehicular accident in December, 2012.

The learned Tribunal awarded compensation of Rs.4,16,000/- under the following heads:-

Sr. No.	Heads	Amount
1.	Medical expenses	Rs.3,60,000/-
2.	Pain and suffering	Rs.10,000/-
3.	Loss of studies	Rs.6,000/-
4.	Special diet	Rs.6,000/-
5.	Attendant charges	Rs.5,000/-
6.	Transportation charges	Rs.5,000/-
7.	Permanent disability	Rs.24,000/-
TOTAL		Rs.4,16,000/-

Counsel for the appellant has submitted that compensation awarded by the Tribunal under various heads i.e. pain and suffering,

loss of studies, special diet, attendant and transportation charges needs enhancement in view of the fact that the injured remained hospitalized w.e.f. 04.10.2012 to 30.10.2012 and from 21.01.2013 to 29.01.2013. She sustained multiple injuries namely fracture of radius, pelvis and mandible. Another submission made by counsel is that the Tribunal has not awarded any compensation for loss of amenities of life and matrimonial prospects as the victim suffered disability to the extent of 12% in view of the disability certificate proved by Dr. Reena Jain, PW5.

Counsel for the insurer has supported the award passed by the Tribunal with the submissions that compensation has been assessed under various heads in the light of evidence available on record.

I have heard counsel for the parties, perused the paperbook particularly the award passed by the learned Tribunal.

As the injured/victim suffered the aforesaid fractures and remained hospitalized for a period of about 35 days, leaving an indelible mark of permanent disability to the extent of 12%, compensation awarded for pain and suffering, special diet, attendant and transportation charges is enhanced in the following terms:-

Sr. No.	Heads	Compensation awarded by MACT	Enhanced compensation
1.	Medical expenses	Rs.3,60,000/-	Rs.3,60,000/-
2.	Pain and suffering	Rs.10,000/-	Rs.40,000/-
3.	Special diet	Rs.6,000/-	Rs.10,000/-
4.	Attendant charges	Rs.5,000/-	Rs.10,000/-
5.	Transportation charges	Rs.5,000/-	Rs.10,000/-
6.	Permanent disability	Rs.24,000/-	Rs.24,000/-
TOTAL		Rs.4,10,000/-	Rs.4,54,000/-

The Tribunal has awarded an amount of Rs.6,000/- *qua* loss of studies. It has been proved on record that due to sustaining of injuries, the claimant suffered loss of one semester of study of Post-graduation in Technology. She is awarded an amount of **Rs.15,000/-** for loss of studies.

The claimant has suffered disability to the extent of 12% *qua* pelvis, mandible, etc. she is awarded an amount of **Rs.20,000/-** for loss of amenities of life and **Rs.30,000/-** for loss to matrimonial prospects.

The total compensation payable to the claimant comes to **Rs.5,19,000/-** and the enhanced compensation is **Rs.1,03,000/-** (Rs.5,19,000/- – Rs.4,16,000/-) payable with interest @ 7.5% per annum from the date of filing of claim petition till realization. The enhanced compensation shall be deposited in the shape of FDR in a nationalized bank for a period of two years.

Disposed of accordingly.

26.08.2016
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No