

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

FAO No.6539 of 2015

Date of decision: September 02, 2016

Surinder Kour

... Appellant

Versus

Avtar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vivek Suri, Advocate for the appellant.
Mrs. Neeru Bansal, Advocate for respondent No.1.
None for respondent No.2.
Mr. Vikas Mohan Gupta, Advocate for respondent No.3.

Rajan Gupta, J.

Claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like pain and suffering, special diet etc. and no amount has been granted for attendant. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads.

Respondent No.2 remains unrepresented.

Learned counsel for respondent No.1 submits that adequate compensation has been awarded for the injuries suffered by the appellant. He, however, submits that insurance company being insurer of the vehicle in question is liable to pay the amount of compensation, if any.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that accident took place on 29.04.2011, in which

appellant suffered injuries. Admittedly, accident was result of rash and negligent driving of the offending vehicle i.e. Mohindra Bolero No.PB-65-F-0498 being driven by respondent No.1. As a result of said accident, appellant suffered injuries on various parts of her body and was admitted in Government Hospital, Sector 32, Chandigarh, where she remained admitted for 12 days. Thereafter, she was admitted in Shori Multi Specialty Hospital, Pinjore, where she was operated. As per disability certificate, appellant has suffered permanent disability to the extent of 20% to her right lower limb. The tribunal assessed Rs.750/- per month i.e. Rs.9000/- per annum towards loss of income and by applying multiplier of 13, she has been granted Rs.1,17,000/- under this head. Appellant has also been granted Rs.38,000/- towards actual expenditure on medical treatment. Further she has been awarded Rs.20,000/- towards pain and suffering. In my considered view, compensation granted on account of pain and suffering is on the lower side. Therefore, appellant would be entitled to another sum of Rs.35,000/- towards pain and suffering. As the tribunal has not granted any amount for attendant, appellant would also be entitled to Rs.15,000/- under this head. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

September 02, 2016
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No