

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

FAO No. 1491 of 1995 (O&M)

Date of decision: 17.05.2017

Miss Harpooja Sandhu

... Appellant

Versus

Col. R.S. Sandhu and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. C.S. Pasricha, Advocate and
Mr. Sunny Kohli, Advocate
for the appellant.

Mr. Suvir Dewan, Advocate
for the respondent-Insurance Co.

HARI PAL VERMA, J. (ORAL)

The appellant-claimant Harpooja Sandhu daughter of Col. R.S. Sandhu has filed the present appeal against the award dated 07.11.1994 seeking modification/enhancement of compensation awarded by Motor Accident Claims Tribunal, Ropar (in short the 'Tribunal').

Briefly stated, as per the claim petition, on 02.01.1991, the claimant alongwith her sister, brother and parents was travelling in a car bearing registration No.PCI-9978 which was being driven by her father Col. R.S. Sandhu (respondent No.1 herein). At about 7.00 PM the car reached the area of village Sahoran. Respondent No.1 took the car towards left where a

tractor trolley was going ahead. The driver of the tractor bearing registration No. HPG-820, who was ahead of the car applied sudden brakes which led to the accident. The claimant and her mother received injuries. She was treated at PGI hospital. Due to the accident she lost her memory. She suffered a lacerated wound on the left temporal region and for this injury the Tribunal awarded a total compensation of Rs.10,000/- which includes Rs.5,000/- towards pain, suffering and mental shock and another Rs.5,000/- for medicine, diet, conveyance, CT Scan etc.

Learned counsel for the appellant has argued that the awarded compensation is too less vis-à-vis the injury suffered by appellant-claimant. At the time of accident she was 17 years of age and was a plus one student. She remained in hospital for five days in the emergency ward of PGI and even thereafter she remained on bed for about a month. She had spent much more on treatment, medicine etc. than the amount awarded by the Tribunal.

On the other hand, learned counsel for the respondent has argued that considering the nature of injury the Tribunal has rightly awarded the total compensation of Rs.10,000/-.

I have heard learned counsel for the parties.

AW-2 Dr. H.S. Gill, Private Medical Practitioner, Sector 11, Chandigarh has deposed that he medically examined the appellant on 03.01.1991 who had also brought the PGI Card. She

had lacerated wound on left temporal region. CT Scanning was done by Chandigarh Neurological Research Centre. She remained under treatment for about 2 months. She used to complain of occasional headaches plus feeling of loss of concentration. Some time she used to feel irritated.

The appellant-claimant also remained in the emergency ward of PGI hospital. Therefore, her stay in the PGI hospital itself establishes the fact that she must have suffered a serious injury and for which she must have endured sufficient pain and suffering and mental shock. Thus this Court finds that the awarded amount of Rs.10,000/- is on the lower side and compensation deserves to be enhanced.

Therefore, considering the fact that she remained in the hospital and that too in the emergency ward of the PGIMER, Chandigarh, an additional amount of Rs.25,000/- is awarded. Enhanced amount shall fetch interest @ 6% per annum from the date of filing of the claim petition till its realization.

With the aforesaid modification in the award, the instant appeal stands disposed of.

(HARI PAL VERMA)
JUDGE

17.05.2017

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Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No