

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

-.-

FAO 42 of 2006 (O&M)

Date of decision: 15.11.2017

Kamla

..... Appellant

Versus

Mohd Rizwan and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. R S Mamli, Advocate
for the appellant

Mr. D R Bansal, Advocate
for respondent No. 7 insurance company

-.-

Rekha Mittal, J. (Oral)

CM of 2005

Prayer in this application is for condonation of delay of 4 days
in filing the appeal.

In view of averments made in the application supported by an
affidavit of the applicant, application is allowed and delay of 4 days in filing
the appeal stands condoned.

Main case

The injured – claimant is in appeal seeking enhancement of
compensation in respect of injuries sustained in a motor vehicular accident
that took place on 19.03.2004.

The Tribunal has awarded compensation of Rs.63,300.00,
detailed hereunder:-

Compensation for disability to the extent of 10%	30,000
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Pain and sufferings	15,000
Transportation and special diet	5,000
Loss of earnings	5,000
Medical expenses	8,300

Counsel for the appellant would contend that the injured was 40 years old at the time of occurrence and suffered disability to the extent of 10%, therefore, compensation awarded by the Tribunal under various heads needs enhancement.

Counsel representing the insurance company, on the contrary, has supported the award with the submission that there is no justification for addition in compensation. It is argued that self serving statement of injured that she remained admitted in civil hospital for one and a half month does not get corroboration from any source whatever.

Dr. Deepan Jain, was examined to prove disability certificate Ex.P35, showing disability to the extent of 10%. The records have been burnt. Counsel for the parties would state that they are not in possession of copy of the disability certificate. Counsel for the appellant is not in a position to say something with regard to nature of disability much less the same being functional. Under the circumstances, compensation awarded by the Tribunal to the tune of Rs.30,000/- qua disability cannot be termed as inadequate warranting enhancement.

The injured stated on oath that she remained in the hospital for one and a half month and operated upon thrice. Taking into consideration the period of hospitalization coupled with disability to the extent of 10% assessed by the Medical Board, the claimant is allowed a sum of Rs.10,000.00 for loss of earnings and another sum of Rs.5,000.00 towards services of an attendant. The additional amount of Rs.10,000.00 shall be

payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

15.11.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No