

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

FAO No.2135 of 2013

Date of decision:- January 10, 2017

SUNITA @ RAJPATI

....APPELLANT..

VS.

PARVEEN KUMAR AND OTHERS

....RESPONDENTS..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Ashok Kumar Sharma, Advocate for the appellant.

Mr. Amit Kundra, Advocate for
Ms. Alka Joshi, Advocate,
for respondent No.3-India Insurance Co.

Mr. Lalit Garg, Advocate,
for respondent No.6-United India Insurance Co.

JASPAL SINGH, J.

Dissatisfied with the compensation awarded on account of the injuries sustained by appellant-Sunita @ Rajpati in a vehicular accident occurred on 19.04.2011 at about 10:00 a.m., she has preferred the instant appeal for enhancement thereof.

2. Undisputably, the appellant was granted compensation on the basis of medical bills to the tune of ₹25,000/-; a sum of ₹10,000/- was awarded on account of pain and suffering, special diet; a sum of ₹30,000/- on account of disability and ₹9000/- on account of stay in hospital totalling ₹74,000/-. Respondent No.3-India Insurance company was made liable to pay the entire amount of compensation.

3. At the very outset of the arguments, it has emerged that only a sum of ₹49,000/- has been awarded on account of pain and suffering,

special diet, disability, stay in hospital and nothing has been awarded on account of remaining out of job during the said period. Even after discharge from hospital, claimant may not be able to attend his job for so many days. Thus, the compensation so awarded, cannot be termed to be just and adequate. It being on lower side, the compensation so awarded, deserves to be enhanced.

4. This Court is of the considered view that it would be just and proper, in case, the appellant is granted compensation on account of pain and suffering to the extent of ₹20,000/- more in addition to ₹10,000/- already awarded and ₹6000/- more in addition to ₹9000/- already awarded on account of hospitalization and remaining out of job. Thus, the claimant deserves the enhancement of ₹26,000/- in *toto*, in addition to the amount of ₹74,000/- already awarded by the Id. Tribunal.

5. In the light of what has been discussed above, the instant appeal is accepted and impugned award dated 24.09.2012 passed by Id. Tribunal is modified. Compensation awarded by the Tribunal stands enhanced to the tune of ₹26,000/- (in addition to the compensation already awarded by the Tribunal). The amount so enhanced shall be paid by respondent No.3- Insurance Company within a period of 45 days and on its failure to make the payment within stipulated period, it would entail interest @ 6% per annum from the date of institution of the claim petition before the Tribunal.

January 10, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No