

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

**FAO No. 1453 of 2014
Date of decision:- 29.08.2017**

Saroj Bala

...Appellant

Versus

Vikram Bhatia & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Rajesh Bansal, Advocate
for the appellant.

Ms Priya Bansal, Advocate
for respondent Nos. 1 and 2.

Ms. Swati Batra, Advocate
for respondent No. 3

RITU BAHRI J. (Oral)

Reply filed on behalf of respondent No. 3 in the Court today, is taken on record.

The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 09.10.2013 passed by the learned Motor Accident Claims Tribunal, Panipat (for short, 'the Tribunal') to the tune of Rs.1,09,900/-.

FACTS NOT IN DISPUTE

On 18.06.2012, the claimant-appellant accompanied with her son Neeraj was going to market on motorcycle bearing No. HR-06Q-3112. When they reached near Seema Theatre, a Verna car bearing registration No. HR-06X-29321 came from the Chhabra Hospital Road, being driven rashly and negligently, directly hit the motorcycle, as a result of which the claimant-appellant and his son fell down on the road and sustained injuries

on their persons. The claimant received grievous injuries on head and her son shifted her to Chhabra Hospital, Panipat, while the driver of the offending car fled from the spot along with the car.

COMPENSATION ASSESSED BY MACT

<i>On account of Medical Treatment</i>	<i>Rs.89,200</i>
<i>Transportation</i>	<i>Rs.5000/-</i>
<i>Loss of Income</i>	<i>Rs.700/-</i>
<i>Pain and suffering</i>	<i>Rs.10,000/-</i>
<i>Better diet</i>	<i>Rs.5000/-</i>

The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal to the present appellant is on the lower side and deserves to be enhanced.

It is not in dispute that the claimant has proved bills and receipts regarding the expenses incurred by her on her treatment. Further P.W.3 Gourav Sharma, Hospital Administrator, Chhabra Hospital, Panipat produced the treatment record of the claimant and deposed that she had been got admitted on 18.06.2012 with alleged history of roadside accident and he had received Rs.10,100/- from her for admission fee, nursing car charges etc. The claimant remained admitted in Maharaja Aggarsain Hospital, Panipat from 19.06.2012 to 22.06.2012.

After going through the contents of the appeal and going through the award passed by the Tribunal, the compensation is re-assessed as under:-

On account of Medical Treatment	Rs.89,200/-
Transportation	Rs.5000/-
Loss of Income	Rs.5000/-
Pain and suffering	Rs.10,000/-
Better diet	Rs.10,000/-

Attendant Charges	Rs.10,000/-
Total compensation	Rs.1,29,200/-
<i>Enhanced compensation</i>	<i>1,29,200-1,09,900=Rs.19300/-</i>

The enhanced amount of compensation of Rs.19,300/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of ***Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539***. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

29.08.2017
G Arora

(***RITU BAHRI***)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>