

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4026-2013 (O & M)

Date of decision: 03.05.2017

Ranjana Sharma

.... Appellant

V/s

Jaspal Singh and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vikram Anand, Advocate, for the appellant.

Mr. C.S. Sharma, Advocate, for respondent No.1.

Mr. Lalit Garg, Advocate, for respondent No.3-Insurance co.

Rajan Gupta, J. (Oral)

CM-16236-CII-2013

This is an application seeking condonation of delay of 37 days in filing the appeal.

For the reasons stated in the application, same is allowed and the delay of 37 days in filing the appeal is condoned.

FAO-4026-2013

Appellant/claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant has submitted that tribunal has erred in not granting adequate compensation under usual heads like pain and suffering, loss of her routine work and managing servant for five months. Besides, no amount has been granted on account of special diet.

He, thus, submits that reasonable amount may be granted to the appellant under various heads separately.

Learned counsel for the respondent No.3 insurance company has submitted that adequate compensation has been awarded on account of injuries suffered by the appellant.

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 22.07.2011, wherein appellant suffered injuries on various parts of his body. Admittedly, accident took place due to rash and negligent driving of respondent No.1 driver of the offending car. Appellant suffered multiple injuries. The tribunal keeping in view statements of doctors, granted Rs.58,755/- to the appellant on account of his medical treatment Rs.25,000/- for pain and suffering and Rs.17,000/- for loss of her routine work. Thus, a total compensation of Rs.1,00,755/- has been awarded to the appellant. She has also been granted interest @ 6% per annum from the date of the award till its realization.

I am of the considered view that compensation granted on account of pain and suffering and loss of routine work and managing a servant, have been granted on the lower side. Further, the Tribunal has not granted any amount towards special diet. Thus, appellant would be entitled to another sum of Rs.10,000/- towards pain and suffering, Rs.5,000/- for loss of routine work and managing a servant. The appellant would also be entitled to another amount of Rs.10,000/- for special diet. In this way, the total enhanced compensation would come to Rs.25,000/-. The appellants would also be entitled to interest as awarded by the Tribunal. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

May 03, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

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