

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

FAO-5044 of 2013 (O&M)
Date of decision: 20.11.2017

Sheela

.... Appellant

Versus

ICICI Lombard Insurance Company Ltd. and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Ravinder Malik, Advocate
for the appellant.

Ms. Vandana Malhotra, Advocate
for respondent No.1.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 04.04.2013 passed by Motor Accidents Claims Tribunal, Panipat (hereinafter referred to as the 'Tribunal') in a MACT Case No. 71 of 2012.

The present appeal has been filed for enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') in case of injuries suffered by Sheela.

On a ill-fated day of 23.04.2010, there was a motor vehicular accident involving a auto rickshaw bearing registration No. HR-67A-0242 and a truck bearing registration No. HR-42D-7897 (for short, 'the offending vehicle'). As a result of the accident, the appellant along with seven other people suffered injuries and three ladies lost their lives. FIR No.133 dated

23.04.2010 was registered at Police Station Ganaur.

The Tribunal after considering the material produced before it, awarded a sum of Rs.9800/- along with interest @ 6% per annum.

There is no dispute raised by the parties with regard to the involvement and rash and negligent driving of the offending vehicle.

Learned counsel for the appellant has argued that Sheela, aged 65 years, suffered injuries in an accident. She was medically examined at Hyderabad Hospital, Panipat. He argued that the Tribunal has awarded only Rs.9800/- which includes the medical bills of Rs.6800/- and apart from that only an amount of Rs.3,000/- has been awarded for mental pain, suffering and agony.

Learned counsel for the Insurance Company has argued that she had suffered no grievous injuries. No permanent or temporary disability was proved. Hence, the amount awarded by the Tribunal is justified and there should not be any enhancement.

Keeping in view the facts which has come on record that she was doing a labourer work and suffered injuries. The Tribunal while awarding the compensation should have considered special diet and the fact that her daily earning would have suffered as she has not been able to do her labour job.

Keeping in view the facts and circumstances of the case, the amount already awarded by the Tribunal is enhanced by Rs.10,000/-.

The claimant shall be entitled to enhanced amount along with interest @ 6% per annum from the date of filing the claim petition till the

realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

20.11.2017

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1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No