

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

**FAO No.5378 of 2013 (O&M)
Date of decision: 17.11.2017**

Paramjit Kaur
Versus
....Appellant

Nirmahal Singh and another
....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Puneet Sharma, Advocate,
for Mr. Sandeep Arora, Advocate,
for the appellant.

Mr. Paul S. Saini, Advocate,
for respondent No.2-Insurance Company.

RITU BAHRI J. (Oral)

CM No.22880-CII of 2013

For the reasons mentioned in the application, same is allowed
and delay of 424 days in filing of the appeal is condoned.

FAO No.5378 of 2013

This appeal has been filed by the claimant-appellant seeking
enhancement of compensation awarded by Motor Accident Claims Tribunal,
Jalandhar (hereinafter referred to as 'the Tribunal') vide award dated
19.02.2010, on account of injuries received by her in a motor vehicular
accident which took place on 03.02.2008.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 03.02.2008, claimant-
appellant along with her nephew Sukhwinder Singh and one Kuljeet Kaur
was going to Gurdwara Sahib in Maruti car bearing registration No. PB-10-
AK-4246. At about 6.30 P.M., when they reached near Bus Stand, Manak

respondent No.1-Nirmahal Singh in a rash and negligent manner, came at a high speed and struck against the Maruti car, as a result of which, claimant-Paramjit Kaur and Sukhwinder Singh sustained multiple injuries. This occurrence was witnessed by Sukhwinder Singh and Kuljeet Kaur. With regard to the accident, FIR Ex.CW1/27 was registered. Consequently, the claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of rash and negligent driving of offending vehicle i.e. Tata Siera bearing registration No. CH-01-S-9483 by its driver-respondent No.1 and thus, returned finding on issue no.1 in favour of the claimant. This finding was rightly given on the basis of deposition of Paramjit Kaur-claimant (CW-1) and the fact that FIR Ex.CW1/27 was registered against the driver-respondent No.1. The claimant had proved on record original bill and treatment documents as Ex.CW1/1 and Ex.CW1/2, according to which, she had spent a sum of Rs.1,67,300/- on her treatment. Accordingly, she was found entitled to Rs.1,67,300/- on account of medical expenses. Apart from this, a sum of Rs.10,000/- was awarded for pain and sufferings. Hence, the claimant was found entitled to a total compensation of Rs.1,77,300/- along with interest at the rate of 8% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

REASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the case file. The fact of accident is admitted and proved. Learned counsel for

claimant-appellant does not dispute the finding given by the Tribunal on issue no.1 that the accident had taken place on account of rash and negligent driving of offending vehicle by its driver-respondent No.1.

Keeping in view the peculiar circumstances, in which the injured-claimant had been put, the compensation is required to be enhanced. Hence, the compensation is hereby re-assessed as under:-

Sr. No.	HEADS	AMOUNT (In Rs.)
(i)	Compensation on account of medical treatment as per medical bills	Rs.1,67,300/-
(ii)	Pain and sufferings	Rs.15,000/-
(iii)	Compensation towards special diet and transportation charges	Rs.10,000/-
(iv)	TOTAL COMPENSATION AWARDED	Rs.1,92,300/-
(v)	Enhanced amount of compensation	Rs.1,92,300 – 1,77,300 = Rs.15,000/-

The enhanced amount of compensation of **Rs.15,000/-** shall be payable within a period of two months 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 the 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.

(RITU BAHRI)
JUDGE

17.11.2017
ajp