

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4642 of 2015 (O&M)

Date of Decision: 20.11.2017

Ekta (minor)

.....Appellant

Versus

Sunder and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Raghav Sharma, Advocate
for the appellant.

Mr. M.B. Jain, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J.

The present appeal has been filed being aggrieved of the award dated 21.2.2015 in MACT Case No. 114/13 of 2014 passed by Motor Accidents Claims Tribunal, Karnal (for short 'the Tribunal').

The appellant has come against the award dated 21.2.2015 for enhancement of the amount awarded of Rs.19,000/- only along with interest at the rate of 9% per annum.

In a motor vehicular accident that occurred on 16.6.2011, Ekta, aged 6 years, suffered injuries. She was a pillion rider on a motor cycle bearing registration No. HR-05-T-0194 being driven by her father Ishwar Singh. The said motor cycle was struck by a rashly and negligently driven Tata 407 bearing registration No. HR-45-A-4101. FIR No. 154 dated 17.6.2011 was registered at Police Station Pundri. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed.

I have heard learned counsel for the parties and perused the paper book.

Learned counsel for the appellant has argued that the amount

awarded for medical expenses is on lower side. He further argued that while

awarding the amount for pain and suffering, special diet, transportation, the same has not been considered.

Learned counsel for the Insurance Company defended the award and resisted for enhancement.

While considering the cases of motor vehicular accident especially where there are non-fatal injuries, it has to be kept in mind that the claimant has suffered because of no wrong done by him but because of act done by a wrong doer. The object to be achieved is to put the injured in a original position so far as money can.

While awarding the amount for pain and suffering, the issue to be considered is that it is not only the physical pain, but it includes trauma for hospitalization and mental agony.

It has come on record that it has been established vide Ex.P35 MLR that the appellant remained under treatment for some days and was student of IInd Standard. While awarding the compensation one has to consider the trauma a kid has undergone in such an accident.

In such circumstance, it is deemed appropriate that another amount of Rs.10,000/- over and above the amount already awarded of Rs.19,000/- is awarded to the claimant. The claimant shall be entitled to enhanced amount along with interest at the rate of 6% per annum from the date of filing of the claim petition till realization of the amount.

The appeal is partly allowed in the aforesaid terms.

20.11.2017

reema

Whether speaking/reasoned
Whether Reportable:

(AVNEESH JHINGAN)
JUDGE

Yes/No

Yes/No