

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

FAO-8999 of 2014 (O&M)
Date of decision: 09.11.2017

Saroj Bala

.... Appellant

Versus

Manohar Lal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.J.P.Sharma, Advocate
for the appellant.

Mr. Lalit Kumar, Advocate with
Mr. Ashwani Talwar, Advocate
for the Insurance Company.

Avneesh Jhingan, J.

CM-24599-CII-2014

Application under Section 5 of the Limitation Act has been
filed for condonation of delay of 31 days in filing the appeal.

For the reasons mentioned in the application, which is duly
supported by an affidavit, the delay is condoned and the application stands
disposed of accordingly.

FAO-8999 of 2014

The present appeal has been preferred against the award dated
24.03.2014 passed by Motor Accidents Claims Tribunal, Karnal (hereinafter
referred to as the 'Tribunal').

Saroj Bala, aged 45 years met with a motor vehicular accident
that occurred on 27.04.2009. She was the pillion rider on motorcycle

bearing registration No.HR-05/R:9503. She was hit by a car bearing bearing registration No.HR-06-Q-1609 (for short, 'the offending vehicle'). She sustained multiple injuries on various parts of the body including head and right arm. FIR No.389 dated 30.04.2009 was registered at Police Station, City, Panipat.

The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed.

The Tribunal after considering the witnesses and evidence produced, awarded a sum of Rs.20,694/- along with interest @ 9% per annum.

Aggrieved of the said order, the present appeal has been filed.

I have heard the learned counsel for the parties and perused the paperbook.

Learned counsel for the appellant has argued that the appellant belonged to Karnal and the accident occurred in Panipat. In case of injuries suffered by her, the transportation was required during the period of treatment and thereafter also. The amount awarded under the head of transportation is on the lower side. He further argued that she was also a house maker and due to the injuries suffered, her duties as house maker were affected.

Learned counsel for the respondent has argued that no evidence has been brought on record that there was some permanent disability and that the amount awarded for transportation by the Tribunal is sufficient.

Keeping in view the facts of the case, it cannot be denied that household duties of the appellant must have been affected because of the

injuries. Further, she belonged to Karnal and the accident occurred in Panipat that would have required transportation not only at the time of the accident but thereafter also. The amount awarded under the head of transportation is to be enhanced.

Keeping in view the circumstances, a sum of Rs.10,000/- as lump-sum over and above already awarded by the Tribunal is enhanced. It may be mentioned that while awarding the said amount, the interest to be awarded under section 171 of the Act has been taken into consideration.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

09.11.2017
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1. Whether the order is speaking/reasoned: Yes/No
2. Whether the order is reportable : Yes/No