

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.729 of 2016 (O&M)
Date of Decision:- 13.12.2017

Tanvi Bhatia

.....appellant

Versus

PRTC and others

.....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Ashwani Arora, Advocate, for the appellant.

Mr.Ashok Kumar Singla, Sr.DAG, Punjab.

RITU BAHRI, J. (Oral)

CM No.2119-CII-2016

For the reasons stated in the application, delay of 244 days in filing the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 08.12.2014, passed by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') vide which compensation to the tune of Rs.1,23,032 was awarded to the claimant on account of injuries suffered by her.

FACTS NOT IN DISPUTE

On 30.06.2012, the claimant was going from Chandigarh to Patiala while sitting in a bus bearing registration No.PB11-P-7406 being driven at fast speed and in a rash and negligent manner by Jagir Singh respondent No.3. When the bus was going on road leading from Rajpura to Patiala and reached near Village Kauli at about 3 PM. It went out of control due to more speed and turned turtle. As a result of this accident, the claimant and other occupants received injuries. The claimants and other occupants were taken to Rajendra Hospital, Patiala where, they were referred to PGI, Chandigarh. The FIR No.113 dated 30.06.2012 had been

registered for offences punishable under Section 279, 337, 338, 304-A of IPC in police station Sadar Patiala.

COMPENSATION ASSESSED BY MACT

The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. Learned Tribunal after going through the evidence and medical record, compensation assessed as under:

Sr.No.	Heads of compensation	Amount
1	Medical bills	Rs.11,032/-
2.	Pain and suffering	Rs.25,000/-
3.	Special diet	Rs.25,000/-
4.	Attendance charges	Rs.20,000/-
5.	Transportation	Rs.15,000/-
6.	Marriage prospects	Rs.25,000/-
7.	Costs	Rs.2,000/-
	Total	Rs.1,23,032/-

Learned counsel for the claimant-appellant contends that the compensation qua pain and suffering and marriage prospects has not been granted. As the claimant has suffered 9% disability of left upper limb but t was not a functional disability. It was proved by PW-7 Dr.Sudesh Pebam had proved disability of 9% of left upper limb but it was not a functional disability. It was not disputed that she was admitted in Amar Hospital on 02.08.2012 and discharged on 22.12.2012.

ASSESSED COMPENSATION

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

It is not in dispute that the offending vehicle was fully insured with the Insurance company. After going through the evidence, compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Medical bills	Rs.11,032/-
2.	Pain and suffering	Rs.50,000/-
3.	Special diet	Rs.25,000/-
4.	Attendance charges	Rs.20,000/-
5.	Transportation	Rs.15,000/-
6.	Marriage prospects	Rs.50,000/-

7.	Costs	Rs.2,000/-
	Total	Rs.1,73,032/-
	Enhanced amount of compensation	Rs.1,73,032/- ----- Rs. 1,23,032/- = Rs.50000/-

Resultantly, the enhanced amount of compensation of Rs.50,000/- shall be payable within a period of forty five days 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 a 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. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

13.12.2017
anil

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>