

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 7729 of 2016 (O&M)

Date of Decision: 14.09.2017

Sarita

.....Appellant

Versus

Parveen and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Jitender Dhanda, Advocate
for the appellant.

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

AVNEESH JHINGAN, J.

The present appeal is filed against the award dated 21.4.2016 passed by the Motor Accidents Claims Tribunal, Sonapat (for short 'the Tribunal').

In the connected FAO No. 5530 of 2016, notice of motion was issued and Mr. Punit Jain, Advocate, appeared for respondent No.3. Since, it was an appeal for enhancement only, respondent No.3 (Insurance Company) is the sole contesting respondent and the counsel accepted notice in the present appeal also.

The present claimant Sarita was aged 26 years when the accident took place on 21.2.2015. She was going on a motor cycle bearing registration No. HT-10-T-6458. The motor cycle was struck near Sukhdev Dhaba, Murthal by a tempo bearing registration No.DL-1-LT-8367 (for short 'the offending vehicle'). There is no dispute that the said vehicle was being driven rashly and negligently.

The only issue in the present appeal is that the amount of ₹ 17,130/- awarded to the claimant is on the lower side.

I have heard learned counsel for the parties and perused the

paper book. The claimant suffered injuries as a result of accident. She had to undergo treatment and was referred to BPS Govt. Medical College Khanpur Kalan and thereafter she was again referred to PGIMS Rohtak, for further treatment. Short stay medical file Ex.PW4/A was produced and MLR Ex.P2 was also produced. In her cross-examination, she has admitted that in Government Hospital, she got treatment free of costs. She claimed that she spent ₹ 50,000/- on her treatment, medicines and transportation etc.

Learned counsel for the appellant stated that the amount awarded by the Tribunal is on the lower side and needs to be enhanced, as the amount awarded for medical bills, hospitalization including attendant, pain and suffering, transportation and diet etc are very meager.

Learned counsel for the respondent No.3 argued that no proof with regard to any expenses incurred by her, was produced before the Tribunal, therefore, the amount awarded is just and equitable and no enhancement is required.

The contentions made by learned counsel for the appellant may not be as such supported by documents but it is a fact that the claimant suffered injuries due to the accident and had to undergo treatment. In such circumstance, it cannot be expected that day to day and penny to penny expenses were vouched by her.

Taking the facts and circumstances in entirety, another amount of ₹ 10,000/- over and above is hereby awarded to the claimant.

The appeal is accordingly partly allowed.

14.09.2017

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(AVNEESH JHINGAN)
JUDGE