

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

FAO No.5516 of 2017 (O&M)

Date of Decision: August 25, 2017

United India Insurance Company Ltd.

...Appellant

Versus

Nasib Kaur and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Vinod Gupta, Advocate for
the appellant.

HARINDER SINGH SIDHU, J.

By filing the present appeal, the United India Insurance Company Limited has challenged the award dated 17.5.2016 passed by Motor Accident Claims Tribunal, Bathinda (for short 'the Tribunal'), whereby, compensation of Rs.86,719/- along with interest was awarded to Nasib Kaur on account of the injuries suffered by her in a vehicular accident on 13.7.2013 in the area of Bus Stop of village Hamirgarh.

On 13.7.2013, Nasib Kaur along with her son Lovedeep Singh was going from village Bhagta Bhai Ka to Gurusar on motorcycle No.PB-03-8186, driven by Lovedeep Singh, on moderate speed on left side of the road. At about 2.30 pm, when they reached at the bus stop of village Hamirgarh, one Indigo Car bearing No.PB-03Z-4677 driven by Gurparshad Mittal – respondent No.2 at a very high speed, rashly and negligently came from Bhadaur side and hit the motorcycle, as result of which Nasib Kaur –

respondent and her son fell on the ground and sustained grievous injuries on their person. They were hospitalised. Nasib Kaur remained admitted for many days, however, her son Lovedeep Singh could not survive.

Respondent Nasib Kaur filed claim petition under Section 166 of the Motor Vehicles Act, 1988, wherein, the impugned award has been passed.

Ld. Counsel for the appellant – Insurer while questioning the quantum of compensation i.e. Rs.86,419/- has contended that though the medical bills were worth Rs.35,000/- only and the claimant had also not suffered any permanent disability, the Tribunal fell in error in awarding excessive amount.

I have heard Ld. Counsel for the appellant and perused the paper-book with his assistance.

The claimant had suffered multiple injuries and for treatment, she remained admitted in various hospitals. On 13.7.2013, after the accident, she was taken to CHC Bhagta Bhai Ka, from where she was referred to higher institute and taken to Deol Bone and Joint Hospital, Bathinda. She remained admitted there upto 15.7.2013 and then shifted to Max Super Specialty Hospital, Bathinda, where she remained admitted upto 19.7.2013 as indoor patient and thereafter, she got treatment as outdoor patient. To prove the medical expenses, she examined CW2 Balwinder Singh, CW3 Dr.M.S.Deol, CW4 Ashok Kumar, CW5 Dr.Gurluv Singh of Max Hospital, Bathinda and CW6 Kailash Joshi, who proved on record the bills of hospital charges, medicines, etc. (Exhibits C1, C2, C4, C6, C8 to C31), the total of which comes out to be Rs.36,419/-.

Besides, the Tribunal assessed Rs.5000/- for special diet as she remained admitted for a week in different hospitals; Rs.10,000/-, each, as 'attendant charges' during the hospitality and on account of 'transportation', and Rs.25,000/- for the pain and suffering due to the injuries suffered in the accident. In all, a sum of Rs.86,419/- (36419+5000+10000+10000+25000) along with interest has been awarded for the injuries suffered by her in the accident in question.

In view of the evidence brought on record regarding the admission of the claimant in various hospitals for medical treatment and medical expenses incurred thereon, the amount of compensation awarded by the Tribunal is just and fair, which cannot be terms as excessive.

Accordingly, the appeal is dismissed being devoid of merit.

August 25, 2017

gian

**(HARINDER SINGH SIDHU)
JUDGE**

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