

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

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**FAO-286-1992 (O&M)
Date of Decision : 14.8.2018**

**Miss Usha (minor) daughter of Shri Sunehra Ram resident of Jundla,
Tehsil and District Karnal through her mother Smt. Permishwari**

....Appellant

vs.

The State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ashok Kumar Khubbar, Advocate
for the appellant.

Dr. Sushil Gautam, DAG, Haryana
for respondents No.1 and 2.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 1.8.1991 passed under Motor Accident Claims Tribunal, Karnal awarding compensation of Rs. 20,000/- alongwith interest at the rate of 12% per annum on account of injuries sustained by the appellant in an accident.

Since limited points have been urged detailed reference to the facts is not required.

Learned counsel for the appellant has argued that the doctor had opined that the cumulative effect of the injuries of the shortening of the legs, fracture of the hip and the disfigurement of the face would amount to 37% permanent disability and it is practice that for every percent of permanent disability Rs.2,000/-has to be awarded. On this score, on account

of permanent disability Rs. 74,000/- had to be awarded. Learned Deputy Advocate General is not in a position to deny this. Therefore, I award Rs. 74,000/- for permanent disability.

Learned counsel for the appellant has argued that compensation under the other heads is also inadequate. I find that under the other heads like pain and suffering, medical expenses, attendant (for two months that the appellant was admittedly in the hospital) would justify grant of further amount of Rs. 26,000/- over and above what has been granted. Total enhancement of Rs.1,00,000/- is granted to the appellant.

Learned Deputy Advocate General however points out that rate of interest at 12% is highly excessive. I find this to be correct. I award 7.5% rate of interest on the enhanced amount from the date of filing of the claim petition till the date of realization.

The appeal stands disposed of with the abovesaid modifications.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

14.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No