

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 4333 of 2002
Date of Decision: 10.5.2018

Daljeet Kaur

---Appellant

versus

Baldev Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rishab Lohan, Advocate
for the appellant

Mr. Vishal Kashyap, AAG, Haryana

Rekha Mittal, J.

Daljeet Kaur, the injured-victim is in appeal seeking enhancement of compensation qua injuries sustained in a motor vehicle accident that took place on 29.6.1997.

The Motor Accidents Claims Tribunal, Jind (in short “the Tribunal”) has awarded compensation of Rs. 3,20,000/-, detailed hereunder:-

Medical expenses	Rs. 20,000/-
Physical and mental pain, agony and permanent disability	Rs. 2,00,000/-
For keeping permanent maid servant	Rs. 1,00,000/-

Counsel for the appellant would urge that the injured has been rendered permanently disable to the tune of 100%, proved by Dr. Dhan Kumar PW3. She is dependent upon others for the rest of her life as both her legs have been amputated. He has prayed that compensation awarded by the Tribunal on account of physical and mental pain, agony and

permanent disability is liable to be enhanced.

The Tribunal has awarded compensation of Rs. 2,00,000/- under the aforesaid heads. As the victim has been rendered 100% disable, there is total loss of her services as a house maker. Taking a clue from minimum wage available at the relevant time coupled with age of the victim in the bracket of 31-35 years, loss of income on account of permanent disability is calculated at **Rs. 2,88,000/-** i.e. Rs.1500x12x16. Claimant shall be entitled to **Rs. 50,000/-** for pain and suffering and loss of amenities of life. Compensation of Rs. 1,20,000/- i.e. Rs. 1,00,000/- for maid servant and Rs. 20,000/- regarding medical expenses is affirmed. The additional amount of **Rs. 1,38,000/-** (3,38,000 - 2,00,000) shall be payable with interest @ 6% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms. Remaining terms and conditions of the award shall remain intact.

(Rekha Mittal)
Judge

10.5.2018

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No