

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

1. FAO No. 2719 of 2001

Manisha Chaturvedi ...Appellant

Versus

Ramesh Chand and others ...Respondents

2. FAO No. 2720 of 2001

Veena ...Appellant

Versus

Ramesh Chand and others ...Respondents

3. FAO No. 2721 of 2001

Aditya Chaturvedi ...Appellant

Versus

Ramesh Chand and others ...Respondents

4. FAO No. 2722 of 2001

Ram Kumar ...Appellant

Versus

Ramesh Chand and others ...Respondents

Date of decision:- 19.01.2018

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. P.S. Rana, Advocate
for the appellants in all the four appeals

Mr. Paul S. Saini, Advocate for
for respondent Nos. 3 and 5 in all the four appeals

RITU BAHRI J.

1. The above said appeals, as noticed above, are being disposed of by this common judgment, having arisen out of the impugned Award dated 06.09.2000 passed by the learned Motor Accident Claims Tribunal, Gurgaon (for short the Tribunal) in a claim petitions filed under Section 166

read with Section 140 of the Motor Vehicles Act, 1988 (for short 'the Act').

2. In the above said four appeals, the claimants-injured are seeking enhancement of the compensation amount awarded by the Tribunal.

Facts not in dispute

3. On 12.05.1995, Bipin Chaturvedi along with his wife Manisha Chaturvedi, son Aditya and his relative Veena Chaturvedi and one Ram Kumar Chatruvedi were travelling in Maruti car bearing registration No. DL-2CD-3726. Bipan Chaturvedi was driving the ill fated car at moderate speed. When they reached near Cvhowki Baba Ki Shala on Agra Etawa road, falling within the jurisdiction of P.S. Sirsaganj (U.P), a truck bearing no. URR-127 being driven by respondent No. 1 was going ahead of the ill fated car, who suddenly applied brakes. The driver of the car tried its best to avoid the accident but it rammed into the truck. Consequently, all the occupants of car received serious injuries and became unconscious. They were taken to Agra for treatment where Bipin Chaturvedi was declared dead in the hospital and all other occupants of the car i.e present appellants received multiple injuries. D.D.R No. 45 dated 12.05.1995 was registered at P.S. Sirsaganj UP in this regard.

COMPENSATION ASSESSED BY THE TRIBUNAL

Veena Chaturvedi

On account of medical expenses	Rs.50,000/-
On account of Pain and sufferings	Rs.10,000/-
<i>Total</i>	<i>Rs.60,000/-</i>

Manisha Chaturvedi

On account of medical expenses	Rs.52,500/-
On account of Pain and sufferings	Rs.20,000/-
<i>Total</i>	<i>Rs.72,500/-</i>

Aditya

On account of medical expenses	Rs.20,000/-
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On account of Pain and sufferings	Rs.05,000/-
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<i>Total</i>	<i>Rs.25,000/-</i>
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Ram Kumar

On account of medical expenses	Rs.60,000/-
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On account of Pain and sufferings	Rs.20,000/-
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<i>Total</i>	<i>Rs.80,000/-</i>
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4. Feeling dissatisfied with the impugned award, appellants-injured have preferred the above mentioned appeals.

REASSESSED COMPENSATION

5. Learned counsel for the appellant-injured Veena Chaturvedi contends that the appellant had suffered multiple fractures in left leg and also suffered multiple injuries and she remained in hospital w.e.f 13.05.1995 to 08.06.1995. She was further re-admitted in Batra hospital on 15.06.1995 to 25.06.1995. The appellant was awarded less under the head of pain and suffering and she has been awarded nothing for the time she remained in hospital. Nothing has been awarded under the head of special diet and transportation.

6. Learned counsel for the appellant-injured Manisha Chaturvedi contends that the appellant had suffered several fractures and grievous injuries. She remained in hospital w.e.f 13.05.1995 to 26.05.1995. The appellant was awarded less under the head of pain and suffering and she has been awarded nothing for the time she remained in hospital. Nothing has been awarded under the head of special diet and transportation.

7. Learned counsel for the appellant-injured Aditya contends that the appellant had suffered multiple injuries. He remained in hospital w.e.f

13.05.1995 to 26.05.1995. The appellant was awarded less under the head of pain and suffering and he has been awarded nothing for the time he remained in hospital. Nothing has been awarded under the head of special diet and transportation.

8. Learned counsel for the appellant-injured Ram Kumar contends that the appellant had suffered several fractures and grievous injuries. He remained in hospital w.e.f 13.05.1995 to 24.05.1995. The appellant was awarded less under the head of pain and suffering and he has been awarded nothing for the time he remained in hospital. Nothing has been awarded under the head of special diet and transportation.

9. Learned counsel for the Insurance company has not disputed the fact that the accident had taken place and that the driver of both the vehicles were responsible for the accident.

10. I have heard learned counsel for the parties and perused the case filed and the awarded passed by the Tribunal requires modification.

RE-ASSESSED COMPENSATION

Veena Chaturvedi

On account of medical expenses	Rs.50,000/-
On account of Pain and sufferings	Rs.30,000/-
Transportation and Special Diet	Rs.30,000/-
For stay in hospital	Rs.30,000/-
Total	Rs.1,40,000/-
Compensation awarded by the Tribunal	Rs.60,000/-
Enhanced amount of compensation	1,40,000-60,000=R.80,000/-

Manisha Chaturvedi

On account of medical expenses	Rs.52,500/-
On account of Pain and sufferings	Rs.20,000/-
Transportation and Special Diet	Rs.10,000/-
For stay in hospital	Rs.10,000/-

Total	Rs.92,500/-
Compensation awarded by the Tribunal	Rs.72,500/-
Enhanced amount of compensation	92,500-72,500=Rs.20,000/-

Aditya

On account of medical expenses	Rs.20,000/-
On account of Pain and sufferings	Rs.20,000/-
Transportation and Special Diet	Rs.10,000/-
For stay in hospital	Rs.10,000/-

Total	Rs.60,000/-
Compensation awarded by the Tribunal	Rs.25,000/-
Enhanced amount of compensation	60,000-25,000=Rs.35,000/-

Ram Kumar

On account of medical expenses	Rs.60,000/-
On account of Pain and sufferings	Rs.20,000/-
Transportation and Special Diet	Rs.10,000/-
For stay in hospital	Rs.10,000/-

Total	Rs.1,00,000/-
Compensation awarded by the Tribunal	Rs.80,000/-
Enhanced amount of compensation	1,00,000-80,000=Rs.20,000/-

11. Resultantly, the above mentioned four appeals filed by the appellant-injured are partly allowed

12. Accordingly, the enhanced amount of compensation of Rs.20,000/- (in FAO No. 2719-2001), Rs.80,000 (in FAO No. 2720-2001), Rs.35,000 (in FAO No. 2721-2001) and Rs.20,000/- (in FAO No. 2722-2001) 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.

January 19, 2018
G Arora

(*RITU BAHRI*)
JUDGE

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