

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 3173 of 2002 (O&M)
Date of Decision : 06.03.2018

Rumal KaurAppellant

Versus

Baldev Kumar and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Maharaj Kumar, Advocate for the appellants.

Mr. Paul S. Saini, Advocate with
Mr. Vipul Sharma, Advocate
for respondent no. 3-Insurance Company.

Surinder Gupta, J.

This is appeal by claimant-appellant seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Patiala (later referred to as ‘the Tribunal’) for the injuries suffered by her in a motor vehicle accident on 05.09.1998 with truck bearing registration no. PB-11-E-6185 (later referred to as ‘the offending vehicle’).

2. As the only issue involved in this appeal is enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. The Tribunal assessed compensation awarded to the appellant as follows:-

<i>Sr.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Compensation towards medical bills	₹1000
(ii)	Expenses of treatment, special diet, attendant charges etc. @ ₹1000/- per day during admission in hospital for 46 days	₹46000
(iii)	Compensation for pain and suffering	₹23000
(iv)	Loss of income	₹10000
<i>Total</i>		₹80000

4. Learned counsel for the appellant has argued that the appellant had suffered fracture of shoulder, damage to jaw, fracture of left leg and grievous injuries on her head. Amount of compensation of ₹80,000/- awarded by the Tribunal is on lower side. Though, claimant has not suffered any permanent disability but the injuries suffered by her have incapacitated her.

5. On perusal of award, I find that the Tribunal has taken into account the medical bills produced on record while computing amount of compensation towards medical expenses. The accident had taken place in the year 1998. The Tribunal has computed expenses of hospitalization, nutritious diet and attendant charges @ ₹1000/- per day, which keeping in view price index at that time appears to be a reasonable amount of compensation. Keeping in view injuries suffered by appellant, the Tribunal allowed compensation of ₹23,000/- under the head of pain and suffering and shock and another sum of ₹10,000/- towards loss of income by taking note of statement of husband of claimant-appellant that she used to earn ₹1000/- from dairy farming and ₹500/- to ₹700/- from stitching work. The claimant has not suffered any permanent disability. No evidence was produced before the Tribunal to prove that she in any manner has been incapacitated due to injuries suffered by her in the accident.

6. Keeping in view above facts, I am of the opinion that compensation awarded by the Tribunal is adequate and reasonable and calls for no enhancement. Consequently, this appeal has no merit and the same is dismissed.

March 06, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No