

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

Date of decision : November 14, 2018

1. FAO No.2841 of 2002 (O&M)

Mahesh Tiwari vs Mohinder Singh & others

2. FAO No.2842 of 2002 (O&M)

Pushpa Rani vs Mohinder Singh & others

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. SM Wadhwa, Advocate
for the appellant in FAO No.2841 of 2002.

Mr. MK Tiwari, Advocate
for the appellant in FAO No.2842 of 2002.

Mr. Neeraj Sharma, Advocate
for respondents No.1 and 2.

Mr. BS Sra, Advocate
for respondent No.5.

Ajay Tewari, J (Oral)

This order shall dispose of the aforesaid appeals as they arise from the same Award.

These appeals have been filed by the injured-claimants for enhancement of compensation on account of a road vehicular accident which took place on 14.11.1994. Since a very limited point has been raised, further reference to the detailed facts would not be necessary.

The two areas where the appellants claim enhancement is firstly for the damage which had occurred to the car and secondly for the injuries

they had suffered in the accident. As regards the car, PW3 who was the representative of the Insurance Company had appeared and stated that out of the bill of ₹ 32,000/- submitted by the claimants, a sum of ₹ 17,000/- odd had been paid. As per the learned counsel, the respondents are bound to pay the remaining amount.

Counsel for respondent No.5 points out that the remaining amount of ₹ 15,000/- which was not allowed had two components; (i) those parts which were not covered by the insurance (bumper and other plastic/glass parts), and (ii) the car was six years old and some depreciation must have been caused.

There is some merit in this argument also. In the circumstances I award a sum of ₹ 8,000/- more to the appellants on account of damage to the car.

Coming now to enhancement for damages on account of injury, the present is a case where though the appellants had claimed that appellant-Pushpa Tiwari had been afflicted with the disease of Deep Vein Thrombosis (DVT) as a result of the accident yet no medical evidence was led in the shape of testimony of a doctor to corroborate that the said disease had actually afflicted her as a result of the accident. In the circumstances, it is not possible to accept this contention. However, on a conspectus of all the facts, I deem it appropriate to award ₹ 6,000/- more to each of the appellants for the injuries they suffered. The enhanced amount shall carry interest @ 10% pa from the date of application till the date of payment. The enhanced amount along with interest shall be borne by the respondents jointly and severally. The remaining award shall remain unchanged. These appeals stand disposed of.

Since the main cases have been decided, the pending C.Ms, if any, also stand disposed of.

November 14, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No