

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

F.A.O. No.3178 of 2007 (O&M)

Date of Decision: 16.04.2018

Miss Ravinder Kaur

....Appellant (s)

Versus

State of Haryana & others

Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Amandeep Kaur, Advocate and
Mr. Ashwani Arora, Advocate
for the appellant(s).

Mr. R.K. Singla, AAG, Haryana.

Mr. Neeraj Khana, Advocate and
Mr. Ravinder Arora, Advocate
for respondent no.3-Insurance Company.

HARI PAL VERMA, J. (Oral)

The appellant-claimant has filed the present appeal seeking enhancement of compensation over and above the amount of compensation granted by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as “the Tribunal”) vide award dated 08.03.2007.

Briefly stated, on 10.09.2003, the appellant-claimant along with her friend was waiting for a bus at Bus Stand, Ambala Cantt. At about 1.30 p.m., a Haryana Roadways bus bearing registration no.HR-26-1296 came and stopped there for picking passengers. The friend of the appellant boarded the bus, however, while the appellant was boarding the bus and had put her one foot inside the bus, the driver of the bus suddenly moved the bus, due to which, the appellant-claimant fell down on the road

and the tyre of the bus ran over her. She suffered fracture shaft, right femur, fracture left leg (tibia) and other multiple injuries. She was removed to PGI, Chandigarh, where she remained admitted from 10.09.2003 to 8.10.2003. The appellant was 17 years of age and was a student of B.A. Ist Year in Arya College, Ambala at that time. For this accident, FIR No.208 dated 15.09.2003 was registered under Sections 279, 337 IPC at Police Station, Padav, District Ambala.

On a claim petition filed under Section 166 of the Motor Vehicles Act, 1988, on account of the injuries suffered by the appellant-claimant, the Tribunal awarded a total compensation of Rs.1,14,500/-, the detail of which is as under:-

- “1. For notional loss of wages for the Rs.2,000/-
period of treatment in the PGI from
10.9.2003 to 8.10.2003*
- 2. For actual expenses shown by bills Rs.30,317/-
Ex.P8.*
- 3. For pain and sufferings and loss of Rs.10,000/-
enjoyment of life.*
- 4. For special diet and transportation etc. Rs.7,000/-*
- 5. For general damages due to 20 % Rs.40,000/-
disability*
- 6. For affecting of the marriage prospects Rs.25,000/-*
- TOTAL Rs.1,14,317/-*
- Rounded to Rs.1,14,500/- “*

Not satisfied with the aforesaid award, the appellant-claimant has filed the present appeal seeking enhancement of the compensation as awarded by the Tribunal.

Learned counsel for the appellant-claimant has argued that on account of injuries suffered by the claimant, she not only remained admitted at PGI, Chandigarh for about a month, rather she continued to receive follow up treatment from PGI till 22.11.2004. Since the appellant was residing at Ambala, she was required to travel all the way from Ambala to PGI, Chandigarh and in this manner, sufficient amount was spent on transportation. She has further argued that the follow up treatment was continued for more than a year, for which, services of an attendant had become a necessity. However, the Tribunal has awarded a very meagre amount under the heads 'Special Diet and Transportation', whereas no amount has been awarded towards 'attendant'.

On the other hand, learned counsel for the respondent-Insurance Company has argued that the Tribunal has already awarded adequate compensation to the claimant and therefore, there is no further scope for its enhancement. There is no evidence that the appellant is permanently disabled. Neither any medical certificate nor disability certificate has been produced by the appellant-claimant in support of her injuries.

I have heard learned counsel for the parties and perused the impugned award.

The accident and other liabilities are not in dispute in the present appeal. What is in dispute is the quantum of compensation awardable to the appellant-claimant.

There is no dispute that the appellant-claimant, who was 17 years of age and a student of B.A.-Ist Year, had received fracture shaft,

right femur, fracture left leg (tibia) and other multiple injuries in the accident which occurred on 10.09.2003. She remained admitted in PGI, Chandigarh from 10.09.2003 to 08.10.2003. Even thereafter also, even though the appellant was living at Ambala, she continued to receive follow up treatment from PGI, Chandigarh till 22.11.2004. Considering the nature of injuries suffered by the appellant, it was difficult for her to work and walk independently and thereby, apart from the transportation expenses, the services of an attendant must have been utilized by the appellant during this period. Accordingly, a consolidated sum of Rs.25,000/- is granted to the appellant-claimant towards 'attendant charges' and an amount of Rs.20,000/- is granted towards 'special diet and transportation' instead of Rs.7,000/-.

With the aforesaid modification in the award, the present appeal is disposed of. This enhancement shall fetch interest @ 7.5% per annum from the date of filing the claim petition till its realization.

April 16, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No