

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

555

**FAO No.2804 of 2006 (O&M)
Date of Decision : 10.10.2018**

Sangeeta Rani

..... Appellant

Versus

Hawaldar Sampuran Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Vivek Suri, Advocate
for the appellant.

Mr. Mukesh Arora, Advocate
for respondent No.1.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 05.04.2005 passed by the Motor Accident Claims Tribunal, Patiala granting compensation of Rs.1,70,000/- alongwith interest @6% per annum in favour of the appellant and against the respondents.

The brief facts of the case are that on 26.04.2003, the claimant and her sister while travling on scooter No.PB-11S-1880 near shops market, Patiala were hit by a Jeep No.PB-11S-7220 being driven by respondent No.1 in a rash and negligent manner. Respondent No.1 was

driving the jeep on wrong side of the road in a zig-zag manner. Claimant and her sister fell down from the scooter and suffered injuries. Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.1 and ordered the compensation as mentioned above.

Counsel for the appellant has argued that a sum of Rs.20,000/- had to be paid for the permanent disability. Counsel for the respondents are not in a position to deny this. I find this to be indeed so and it is held that Rs.20,000/- has to be awarded for permanent disability.

Counsel for the appellant has further argued that once the bills to the tune of Rs.1,71,019-50 were placed on record, there was no justification for the tribunal to have limited the medical expenses to Rs.1,50,000/-. I find favour in this argument also and grant a sum of Rs.20,000/- more for medical expenses.

Counsel for the appellant states that the amount of Rs.10,000/- on account of pain and suffering is also inadequate. Learned counsel for the respondents are not in a position to deny this. I find favour in this argument and grant a sum of Rs.10,000/- more under this head.

Counsel for the appellant further states that Rs.3,000/- has been awarded for transportation, Rs.2,000/- has been awarded for attendant charges and Rs.5,000/- has been awarded for special diet. In all the three heads, I also grant a sum of Rs.10,000/- more.

Learned counsel for the appellant has further argued that interest @6% per annum has been granted in this case whereas as per the judgment passed in *Magma General Insurance Company Ltd., Vs.*

Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018 decided on 18.09.2018 the Supreme Court has after considering *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, granted interest @12% per annum and the same should be granted in the present case on the entire compensation. I find this to be correct. I award interest @ 12% per annum from the date of filing the claim petition till the date of payment.

Appeal is allowed in the above terms and the award is modified accordingly.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

10.10.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No