

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

(392A)

FAO-1433-2010 (O&M)

Decided on: February 26, 2018.

PUSHPA SACHDEVA

.... Appellant

Versus

CHARANJIT SINGH & ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashwani Arora, Advocate
for the appellant.

None for respondent No.1.

Mr. R.S. Dhull, Advocate,
ICICI Lombard General Insurance Company Ltd.
Respondent No. 2.

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The present appeal has arisen from award dated 25.07.2009 passed by Motor Accidents Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal').

Appellant-Pushpa Sachdeva suffered a fracture left femur, fracture both bones, left lower leg, fracture left elbow and other multiple injuries in the motor vehicle accident that occurred on 31.03.2006. She was sitting on rear seat of a Maruti Van No. CH-01-N-6913. When they reached near the turning of village Bhogomajra, Tehsil Kharar, an Indica Car (the offending vehicle) bearing No. PB-10-B-E-4764 came at a fast speed from

the opposite direction in a rash and negligent manner and struck against the van. The appellant was taken to PGI, Chandigarh, where she remained hospitalized from 31.03.2006 to 07.04.2006. She again remained admitted in PGI, Chandigarh from 13.04.2006 to 08.05.2006 and from 15.06.2007 to 10.07.2007. During three hospitalizations she had undergone three operations. As a result of injuries sustained she was permanently disabled to the extent of 67% qua whole body.

In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') the Tribunal has awarded a sum of ₹1,81,256/- along with interest at the rate of 7.05% per annum.

The present appeal has been filed for enhancement of claim of compensation.

I have heard learned counsel for the parties, perused the paper book and record.

Learned counsel for the appellant assailed the award by stating that the Tribunal while awarding the compensation has not considered the fact that the appellant remained hospitalized for about 60 days and underwent three surgeries and was permanently disabled to the extent of 67%. The Tribunal has even not considered the fact that the appellant would be needing an attendant and transportation for rest of her life. Her grievance is that compensation amount awarded of ₹ 1,81,256/- is very meagre.

Learned counsel for the Insurance Company defended the award and resisted enhancement.

Considering the fact that the 61 year old lady has been crippled

because of the accident; 67% permanent disability on a whole body ensures that she would be suffering for rest of her life and she had also undergone three surgeries and during the period of the hospitalization expenses had been incurred for attendant, transportation and special diet. No dispute has been raised regarding the compensation awarded for permanent disability. Above facts and hospitalization of almost 60 days has not been disputed.

In the facts and circumstances of the case amount awarded is enhanced by ₹ 1,50,000/- for various peculiar and non-peculiar heads. The appellant would be entitled to enhanced amount along with interest @ 6% per annum from the date of filing the claim petition till the realization of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

February 26, 2018.
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No