

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

**FAO No.5169 of 2011
Date of Decision:26.10.2018.**

I.C.I.C.I LOMBARD GENERAL INSURANCE COMPANY LTD.

...APPELLANT

Versus

MS. KAVITA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Mrigank Sharma, Advocate
for the appellant.

Mr. Navneet Jindal, Advocate for
respondent No.2.

Mr. Ayuvan Singh, AAG, Haryana
for respondents No. 3 & 4.

AVNEESH JHINGAN, J. (ORAL)

The present appeal has been filed against award dated 07.04.2011 passed by the Motor Accident Claims Tribunal, Jind (hereinafter referred to as 'the Tribunal').

2. The brief facts of the case are that on 11.03.2010, Kavita aged 15 years met with an accident. She along with her school friends and teachers went to Kurukshetra on a tour by bus bearing registration No. HR-62-0296 of Haryana Roadways Fatehabad Sub Depot Tohana. While returning back, when she was alighting at bus stop Kalwan, the driver of the bus suddenly moved the bus, as a result of which she fell down and suffered

injuries on her head, eyes and forehead. She was shifted to General Hospital, Tohana from where she was shifted to Jindal Hospital, Hisar. She remained admitted there till 25.03.2010.

3. A claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act') was filed.

4. The Tribunal, after considering the facts that Kavita was admitted in the hospital for more than 12 days and her father claimed that he spent more than ₹ 1,50,000/- on her treatment, awarded a sum of ₹50,000/- which included ₹39,000/- for the medical bills, ₹6,000/- for stay in hospital @ ₹500/- per day and ₹5,000/- for pain and suffering, nutritious diet and attendant.

5. The Insurer of the bus has filed the present appeal against the award.

6. Learned counsel for the insurer contended that the amount awarded by the Tribunal is on the higher side as no permanent disability was proved on record. He fairly stated that compensation has already been disbursed to the claimant.

7. Keeping in view the facts and circumstances of the case and the paltry amount involved, no interference is called for in the amount awarded by the Tribunal.

8. The appeal is dismissed.

(AVNEESH JHINGAN)
JUDGE

October 26, 2018

Jyoti-IV

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

