

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-20150-CII-2018 in/and
FAO-5573-2011 (O&M)
Date of Decision : 07.12.2018

Smt. Salochana

..... Appellant

Versus

Krishan Kumar and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Ajit Sihag, Advocate
for the applicant-appellant.

Mr. Rajneesh Malhotra, Advocate
for the non-applicant-respondent No.3.

AJAY TEWARI, J. (ORAL)

CM-20150-CII-2018

For the reasons recorded, the application is allowed. The medical bills are taken on record.

FAO-5573-2011 (O&M)

This appeal has been filed against the award dated 29.01.2011 awarding compensation of Rs.1,01,000/- alongwith interest @ 6% p.a. on account of injuries suffered by the appellant in a motor vehicle accident which took place on 04.08.2009.

Since only limited points have been urged further detailed reference to the facts is not required.

Counsel for the appellant has firstly argued that the appellant had suffered a fracture distal end of femur left leg. She was initially hospitalized for 7 days and as a result thereof had to make follow-up appointments for treatment for a period of 4 months thereafter but for special diet, attendant charges, conveyance charges and pain & suffering only a sum of Rs.7000/- had been awarded. During the pendency of this appeal the appellant has also filed an application for an additional evidence wherein she had placed on record further bills amounting to Rs.20,140/-. As per her, she had been taking follow-up treatment even in the year 2014. Counsel for the appellant has argued that this shows that even till the year 2014 the appellant was still not fully recovered and was taking treatment.

Counsel for the respondent No.3 had been granted time to file reply to this application but no reply has been filed. He states that he would not dispute these bills because they are for a very trivial amount of Rs.20,140/-.

In the circumstances, an amount of Rs.20,140/- more is granted towards medical bills. However, this fact proves that the appellant had been undergoing pain and suffering for at least five years. Consequently, I award Rs.86,000/- more towards special diet, attendant charges, conveyance charges and pain & suffering.

Counsel for the appellant has further argued that the interest of 6% p.a. which has been awarded by the Tribunal is very low. I find favour in this argument. Consequently, in view of the judgment of the Supreme Court in *Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP*

p.a. on the entire compensation amount from the date of filing of the claim petition till the date of payment.

Appeal stands allowed in the above terms.

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

December 07, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No