

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

FAO No. 757 of 2011
DATE OF DECISION : 15.01.2018

Kavita

.... APPELLANT

Versus

Madan @ Mandi and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Surinder Sheoran, Advocate, for the appellant.

Mr. Ravi Gakhar, Advocate, for
Mr. Jagdish Manchanda, Advocate, for respondent No.2.

Mr. R.C. Gupta, Advocate, for respondent No.3.

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AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed against the award dated 04.06.2010 passed by the Motor Accident Claims Tribunal (Fast Track Court), Hisar (for short, 'the Tribunal').

Kavita (appellant herein), aged 14 years, suffered injuries in a motor vehicular accident that occurred on 24.01.2005. She was travelling in a bus bearing registration No. HR-39A/0953. The bus was being driven rashly and negligently. The left side tyre of the bus burst. As a result of the impact, both legs of the appellant were fractured. She was shifted to Goyal Orthopedic Hospital, Barwala.

In a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'), a sum of ₹ 36,410/- along with

interest at the rate of 7% per annum was awarded.

The present appeal has been filed for enhancement of compensation.

I have heard learned counsel for the parties and perused the paper-book and record of the case.

There is no dispute on the fact that the appellant remained hospitalised from 24.01.2005 to 08.02.2005 and suffered fractures on both the legs. But luckily for her, there was no permanent or temporary disability. The grievance of learned counsel for the appellant is that the amount awarded is on the lower side.

The Tribunal reimbursed the treatment expenses proved by the appellant. Another amount of ₹ 7,000/- was awarded for pain and suffering, special diet and transportation etc.

Keeping in view the facts and circumstances of the case and the fact that the appellant suffered fractures on both the legs, the amount already awarded by the Tribunal is enhanced by ₹ 20,000/-. It is clarified that while enhancing the amount of compensation, the interest to be awarded under Section 171 of the Act has been taken into consideration.

Consequently, the award dated 04.06.2010 is modified to the aforesaid extent.

The appeal is partly allowed in the aforesaid terms.

January 15, 2018
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No