

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

FAO No.4808-2012 (O&M)
Date of decision: 23.04.2018

Phoolwati

.... Appellant

versus

Mahabir Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vaibhav Prasher, Advocate for
Mr. B.B.Sharma, Advocate
for the appellant.

Mr. Ajay Kumar Kansal, Advocate
for respondents No.1 & 2.

Mr. Neeraj Khanna, Advocate
for the Insurance Company.

Avneesh Jhingan, J.(Oral)

The appeal has been filed against the award dated 04.02.2012 passed by Motor Accident Claims Tribunal, Karnal (for short 'Tribunal') in MACT Case No.112 of 2010.

An accident took place on 29.10.2009. Ram Chander, aged 60 years, was paddling his bicycle and his wife Phoolwati was sitting on the carrier of the bicycle. On the bank of canal, Hansi Branch, the offending vehicle bearing registration No.HR-37-A-3671 driven by respondent No.1 rashly and negligently hit the bicycle. As a result of the accident, both Ram Chander and Phoolwati suffered injuries. Injuries sustained by Ram Chander proved fatal. FIR No.498 dated 30.10.2009 was registered.

In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') by the appellant, Tribunal awarded a compensation of Rs.59,402/- along with interest @ 7.5% per annum.

The appeal has been filed for enhancement of the compensation.

Learned counsel for the appellant has argued that there was 20% permanent disability qua the left lower limb because of restricted knee movement. From the perusal of the award, it is evident that Rs.19,402/- was awarded for medical expenses. The appellant remain admitted in PGIMS, Rohtak from 29.10.2009 to 09.11.2009 and thereafter she remained admitted in General Hospital, Karnal from 19.11.2009 to 12.12.2009. The Disability Certificate Ex.P-5 was duly proved by deposition of Dr. Sameer Manocha, Medical Officer, General Hospital, Karnal. Tribunal awarded compensation of Rs.20,000/- for special diet, attendant charges and transportation etc. Rs.20,000/- were awarded on account of disability and pain and suffering.

The appellant remained hospitalised for almost a month. Her injury was such that transportation was required not only during period of treatment but thereafter also. She underwent pain and suffering. She lost her husband in the accident. Though the certificate proves that there is 20% permanent disability but it has not come on record that how the said disability has affected her functional ability. Be that as it may, she has to lead rest of her life with restricted knee movement and have to suffer the pain.

Keeping in view the facts and circumstances, a sum of Rs.50,000/- is awarded over and above the amount already awarded by the

Tribunal. It is clarified that while awarding a lump sum amount interest to be awarded under Section 171 of the Act has also been taken into account.

With the above modification, the appeal is disposed of.

23.04.2018
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No