

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

FAO No.1635 of 2013(O&M)

Date of decision: 15.2.2018

Parveen Kumar @ Lovely

.....Appellant

VERSUS

M/s Sunrise Travels and others

.....Respondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Sachin Mittal, Advocate for the appellant.

 Mr. M.B. Jain, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The injured victim is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Gurgaon (in short 'the Tribunal') on account of injuries sustained by him in a motor vehicular accident that took place on 03.12.2010.

The Tribunal has awarded compensation of Rs.3,07,200/-, detailed hereunder:-

Medical Expenses	Rs.2,04,400/-
Pain and sufferings	Rs.30,000/-
Permanent disability	Rs.40,000/-
Loss of income	Rs.10,800/-
Transportation	Rs.10,000/-
Nutritious diet	Rs.6,000/-
Attendant charges	Rs.6,000/-

Counsel for the appellant has submitted that compensation awarded by the Tribunal under various heads except medical expenses is on lower side and needs enhancement. It is argued that the claimant suffered fracture shaft femur and medial condyla with infected non-union fracture both bones right leg that rendered him disable to the extent of 20%. No compensation has been awarded for loss of amenities of life qua disability.

Counsel representing the insurance company has submitted that as appeal against respondent No.1, owner of the vehicle has been dismissed vide order dated 02.08.2017, insurance company cannot be fastened with liability to pay additional compensation if any, allowed by this Court. However, he has supported assessment made by the Tribunal with the submission that adequate compensation has been awarded.

Compensation awarded by the Tribunal with regard to reimbursement of medical expenses to the tune of Rs.2,04,400/- is ordered to be affirmed. The Tribunal in para 33 of the award has made reference to nature of injuries and period of treatment as an indoor patient. Taking into consideration nature of injuries in the form of fracture coupled with period of treatment, compensation qua pain and sufferings, loss due to disability, loss of income and transportation is affirmed. However, the Tribunal has awarded a sum of Rs.6,000/- each for nutritious diet and attendant charges. In view of the above, claimant shall be entitled to an amount of Rs.10,000/- for nutritious diet and another Rs.10,000/- for attendant charges. He is awarded an amount of Rs.10,000/- for loss of amenities of life. In this manner, claimant shall be entitled to additional

amount of Rs.18,000/- to be paid by respondent No.2, driver of the offending vehicle. The additional amount shall carry interest at the rate of 7.5% per annum from the date of petition till realization. All other terms and conditions of the award shall remain intact.

FEBRUARY 15, 2018
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no