

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

--

FAO No. 1739 of 2013 (O&M)
Date of decision: 27.04.2018

Smt. Kavita *Appellant*
Versus
Ishwar Singh and others *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal
-.-

Present: Mr. Mukesh Yadav, Advocate
for the appellant

Ms Vandanaa Malhotra, Advocate
for the insurance company
-.-

Rekha Mittal, J. (Oral)

Kavita - injured is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Bhiwani vide award dated 11.09.2012 on account of injuries sustained in a motor vehicular accident that took place on 14.10.2009.

The Tribunal has awarded compensation to the tune of Rs.3,14,254.00, detailed hereunder:-

Loss of income qua disability	Rs.2,22,804.00
Medical expenses	Rs.58,450.00
Special diet	Rs.4,000.00
Pain and sufferings	Rs.25,000.00
Transportation charges	Rs.4,000.00

Counsel for the appellant would urge that the injured remained hospitalized for a period of fifteen days and has suffered disability of 50% due to restriction of movements of left knee joint as she suffered united fracture supra condylar femur left with implant in situ. Compensation

awarded on account of special diet and transportation charges is stated to be on lower side. The claimant is entitled to compensation qua attendant charges, loss of income and loss of amenities of life on account of disability suffered by her.

Counsel representing the insurance company has supported assessment made by the Tribunal with the plea that injured has been adequately compensated.

Compensation awarded by the Tribunal qua loss of income on account of disability, medical expenses, pain and sufferings is ordered to be affirmed. However, claimant shall be entitled to a sum of Rs.15,000.00 on account of special diet, transportation charges and attendant charges (additional amount of Rs.7,000.00).

The injured remained hospitalized for a period of 15 days. She has suffered disability to the extent of 50% on account of restriction of movements of left knee joint. She is awarded loss of income for the period of treatment and recovery to the tune of Rs.10,000.00. Taking into consideration nature and extent of disability suffered by the victim, she is awarded an amount of Rs.25,000.00 for loss of amenities of life. Additional amount comes to Rs.42,000.00, payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

27.04.2018
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No