

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

**FAO No. 3057 of 2013
Date of decision:- 07.03.2018**

Poonam Singla ...Appellant

Versus

Gurmeet Singh and Others ...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R. M.Sharma, Advocate,
for the appellant.

Mr. Sanjeev Goyal, Advocate,
for respondent No. 3.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as 'the Tribunal') vide award dated 20.12.2012, on account of injuries sustained by the claimant-Poonam Singla in a motor vehicular accident which took place on 18.09.2009.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 18.09.2009, the claimant was going on her Activa Scooter bearing registration No. PB-10BH-7405 from Jalandhar bypass towards Ludhiana City on the correct side of the road with normal speed and when at 2.10 pm, the claimant just crossed the petrol pump of Sabzi mandi, then one Indica Car bearing registration No. PB-10CP-7230 which was being driven in rashly and negligently manner at a very high speed by the respondent NO. 1,

struck from the back side on the scooter of the claimant, as a result of which the claimant fell down on the road alongwith her Activa Scooter and suffered multiple grievous injuries on her head and other parts of the body. Activa scooter of the claimant was also totally damaged in the accident. Thereafter, she was removed to the CMC Hospital, Ludhiana where she received the treatment from 18.09.2009 to 15.10.2009. In this regard, an FIR No. 174 dated 25.09.2009 under Sections 279/337/427 IPC was registered at P.S. Salem Tabri, Ludhiana.

Consequently, claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of negligent driving of offending vehicle by respondent No.1. Appellant/claimant suffered grievous injuries, remain admitted in Hospital from 18.09.2009 to 15.10.2009. On the basis of documentary evidence placed on record Tribunal awarded compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Loss of income	Rs.3,37,821/-
(ii)	Compensation on account of medical bills	Rs.1,83,310/-
(iii)	Compensation towards attendant Charges	Rs.10,000/-
(iv)	Compensation towards conveyance and special diet	Rs.20,000/-
(v)	Pain and Suffering	Rs.50,000/-
(vi)	Disability	Rs.60,000/-
	Total Compensation Awarded	Rs.6,61,131/-

Feeling dissatisfied with the impugned award, the

claimant-appellant has preferred the present appeal.

I have heard learned counsel for the parties and perused the case file.

REASSESSED COMPENSATION

The fact of accident is admitted and proved.

A perusal of the Award shows that Claimant was suffered several injuries. To prove the said facts, she has filed Annexure A1 dated 08.04.2013, Annexure A2 dated 23.12.2011 and Annexure A3 dated 19.03.2012. As per Annexure A1, it has been categorically stated that claimant was got admitted in hospital unit No. C7215943 on 18.09.2009 with the diagnosis of severe head injury. Left Hemispheric acute SDH. Left Temporoparietal hemorrhagic contusions operated on 18.09.2009 and discharged on 13.10.2009 and she continues to have post head injury memory loss and is under treatment for the same. Moreover, she has numbness of left lower limb for which she is undergoing treatment. She also filed Annexure A2 dated 23.12.11 wherein it is stated that claimant is serving as ETT teacher at Bajra School under Zila Parishad. It is also stated that due to accident she has been directed to avoid stressful work and vehicle driving is totally prohibited. According to Annexure A3, due to accident and mental agony, claimant is being given the temporary duty in Block Development.

Keeping in view the facts and documents produced by the claimant, it is proved that she is suffering from grievous head injuries due to which she has been directed to avoid stressful work and drive any vehicle and to be on regular follow up and also got permanent

disability to the extent of 30%. Tribunal assess less compensation and also assessed less amount towards permanent disability of the claimant by taking Rs.2000/- on every 1% disability which requires to be modified.

In the present case, this court assess the compensation towards 30% permanent disability by taking multiplier method and take Rs.3500/-. As the age of the claimant 30 years old 17 multiplier would be applied.

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Loss of income	Rs.3,37,821/-
(ii)	Compensation on account of medical bills	Rs.1,83,310/-
(iii)	Compensation towards attendant Charges	Rs.10,000/-
(iv)	Compensation towards conveyance and special diet	Rs.30,000/-
(v)	Pain and Suffering	Rs.75,000/-
(vi)	Compensation due to 30% disability (3500X12X17=7,14,000x30%)	Rs.2,14,200/-
(vii)	Income towards loss of future expectation of life	Rs.1,00,000/-
	Total Compensation Awarded	Rs.9,50,331-6,61,131=2,89,200/-

The enhanced amount of compensation of Rs.2,89,200 /- shall be payable within a period of two months from the date of receipt of certified copy of this order. As per the judgment of Hon'ble Supreme Court in case **Shri Nagar Mal and Ors versus The Oriental Insurance Company Ltd. And Ors decided on 19.01.2018** the enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

07.03.2018
Riya Grover

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>