

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO-1038-2015 (O&M)

Date of Decision:23.02.2018

Bimla Devi

.....Appellant

Versus

Balram and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Rishav Jain, Advocate,
for the appellant.**

None for respondent No.1.

**Brig. B.S. Taunque, Advocate,
for respondent No.2-Insurance Company.**

HARI PAL VERMA, J.(Oral)

Appellant-claimant has filed the present appeal for enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Patiala (for short “the Tribunal”) vide award dated 12.09.2014.

As per claim petition, on 07.06.1998, the claimant met with an accident with the offending vehicle i.e. Maruti car bearing registration No.PB11-A-0195. The claimant was going on foot towards her village Sher Majra for collecting fodder for her cattle. The offending vehicle came from behind, which was being driven in a rash and negligent manner. The offending vehicle struck against the claimant. As a result thereof, she fell

on the ground and sustained injuries. She was taken to Rajindra Hospital, Patiala, where she remained admitted till 22.09.1998.

Considering the nature of injuries sustained by the appellant, i.e. fracture on her right femur and right arm and on its assessment, it was found that she suffered permanent disability to the extent of 15%, the Tribunal awarded the total compensation of ₹70,000/-. The claimant remained admitted in the hospital from 07.06.1998 to 22.09.1998 and the Tribunal awarded a sum of ₹20,000/- on account of pain and suffering, another consolidated amount of ₹20,000/- on account of medicines, attendant charges and special diet etc. and ₹30,000/- on account of permanent disability to the extent of 15% suffered by the claimant.

Learned counsel for the appellant has argued that the compensation awarded by the Tribunal is not commensurate with the injuries suffered by the claimant. The injured remained admitted in the hospital from 07.06.1998 to 22.09.1998. Before the accident, she used to earn her livelihood by selling milk as she used to keep buffaloes. The consolidated amount of ₹20,000/- on account of medicines, attendant charges and special diet is not sufficient enough to compensate the claimant as she had suffered permanent disability and she is not able to perform her day to day functions. Therefore, the amount awarded by the Tribunal needs to be enhanced.

On the other hand, learned counsel for respondent No.2- Insurance Company states that taking into consideration the nature of injuries so suffered by the claimant, the Tribunal has already awarded appropriate compensation and there is no scope for any further interference by this Court.

I have heard the learned counsel for the parties.

The accident and the liability are not in dispute. What is in dispute is the amount of compensation awarded by the Tribunal. There is no dispute that the claimant is a villager and while she was going to her village Sher Majra for collecting fodder for her cattle, the accident was caused by the offending vehicle which struck her from the behind. After the accident, she was taken to Rajindra Hospital, Patiala where she remained admitted for the period between 07.06.1998 to 22.09.1998. The doctor opined that she suffered injuries i.e. fracture on the right femur and right arm. Taking into consideration the nature of injuries i.e. fractures, orthopedic surgery was conducted upon the injured. Therefore, a consolidated amount of ₹20,000/- on account of medicines, attendant charges and special diet needs to be reviewed. She remained admitted in the hospital for more than 3½ months, therefore, the awarded amount of ₹20,000/- is hereby increased as ₹40,000/-. Even otherwise, no amount of compensation has been awarded towards transportation. Considering the fact that she remained in the hospital for such a long period and was taken to Rajindra Hospital, Patiala from the place of accident, the claimant is entitled for transportation charges as well. The attendants and other family members must have hired the transportation so as to attend the injured admitted in the hospital for such a long period, therefore, another ₹10,000/- is added towards transportation charges.

Accordingly, the claimant is held entitled for enhancement of ₹30,000/- over and above the amount already awarded by the Tribunal. The enhanced amount of compensation shall carry interest @ 7.5% p.a. from the

date of filing of the claim-petition till its realization.

With the aforesaid modification in the award, the present appeal stands disposed of.

February 23, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No