

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

**FAO No. 2646 of 2015
Date of decision:- 19.02.2018**

Sarita ...Appellant

Versus

Karnail Singh & others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Anoop Singla, Advocate
for the appellant.

Mr. T.K. Joshi, Advocate
for respondent No. 3

RITU BAHRI J. (Oral)

The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 19.01.2015 passed by the learned Motor Accident Claims Tribunal, Ambala (for short, 'the Tribunal') to the tune of Rs.75,000/-.

FACTS NOT IN DISPUTE

On 15.05.2013, claimant was going to Ambala Cantt from her village Toba for purchasing medicines with her child and brother-in-law Vikram Singh on a motorcycle bearing registration No. MP-07MA-7662 and when they reached near K.D. Hospitala, Ambala-Jagadhari road, in the meanwhile, the offending Mahindra Scorpio bearing registration No. HR-37-C-6606 driven by respondent No. 1 hit the motorcycle from behind. Vikram Singh and the child of the appellant suffered minor injuries whereas front tyre of the offending vehicle crushed the left leg of the appellant and she suffered injuries on her left leg, right elbow and forehead.

The Tribunal awarded the compensation to the claimant as mentioned below:-

Medical expenses	Rs.30,000/-
Physical pain and mental agony	Rs.10,000/-
Transportation	Rs.3000/-
Special Diet	Rs.2000/-
Attendant Charges	Rs.5000/-
Permanent Disability	Rs.25000/-
Total	Rs.75,000/-

The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal to the present appellant is on the lower side and deserves to be enhanced, as the appellant remained in hospital w.e.f 15.05.2013 to 03.06.2013 and was operated upon and a rod was inserted in her leg. Learned counsel for the appellant further contends that the appellant was doing the stitching work and thus, the compensation awarded under the head pain and suffering is on the lower side.

After going through the contents of the appeal and going through the award passed by the Tribunal, the compensation is re-assessed as under:-

Pain and suffering	Rs.50,000/-
Loss of income during the treatment period of 18 days	Rs.10000/-
Special Diet, Attendant Charges	Rs.20,000/-
Transportation	Rs.10,000/-
Medical expenses	Rs.30,000/-
Permanent disability	Rs.25,000/-
Total compensation	Rs.1,45,000/-
Enhanced compensation	1,45,000-75,000=Rs. 70000/-

The enhanced amount of compensation of Rs.70,000/- shall be

payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of ***Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539***. 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.

19.02.2018

G Arora

(***RITU BAHRI***)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No