

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

FAO-6084-2014 (O&M)
Date of decision: 29.01.2018

HARWINDER KAUR

...Appellant

Versus

PANKAJ RANA AND ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Jarnail S. Saneta, Advocate for the appellant.

None for respondent No.3.

REKHA MITTAL, J. (Oral)

The injured is in appeal seeking enhancement of compensation on account of injuries sustained by her in a motor vehicular accident that took place on 14.07.2011.

The Tribunal has awarded compensation to the tune of Rs.89,848/-, detailed hereunder:-

1. Medical expenses	Rs.63,848/-
2. Pain and sufferings	Rs.5000/-
3. Permanent disability	Rs.8000/-
4. Transportation	Rs.5000/-
5. Nutritious diet	Rs.4000/-
6. Attendant charges	Rs.4000/-

Counsel for the appellant would contend that compensation awarded by the Tribunal under various heads i.e. pain and sufferings, permanent disability, transportation, nutritious diet, attendant charges etc. is

on lower side and needs enhancement. It is argued that the Tribunal while awarding compensation under the head 'pain and sufferings' has noticed that the claimant had undergone 4-5 major operations surgeries including surgery conducted by Dr. Parveen Garg PW3.

Perusal of the records and so also award passed by the Court below leaves no manner of doubt that the claimant initially remained under treatment from 14.07.2011 to 20.07.2011. Dr. O.P. Miglani PW2 has deposed that patient was operated upon, ruptured spleen was removed and blood in abdomen was also removed. Dr. Parveen Garg PW3 was examined to prove that the patient developed hernia at the site of operation, hernia repair was done which occurred due to operation done for the injuries caused in the accident. The injured was operated upon twice i.e. once by Dr. O.P. Miglani and second time by Dr. Parveen Garg. She is held entitled to an amount of Rs.10,000/- for pain and sufferings. An additional amount of Rs.5000/- is allowed for transportation, special diet and attendant charges. Compensation awarded by the Tribunal in regard to permanent disability is ordered to be affirmed. In this manner, claimant shall be entitled to additional amount of Rs.10,000/-, payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

29.01.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No