

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

**FAO No.6109 of 2014 (O&M)  
Date of decision: 12.01.2018**

Sarita Devi

....Appellant

Versus

Mehboob and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Ms. Bhavna Grewal, Advocate,  
Mr. Sandeep Kumar Yadav, Advocate,  
for the appellant.

Mr. Munish Gupta, Advocate,  
for respondent No.1.

Mr. Rajneesh Malhotra, Advocate,  
for respondent No.3-Insurance Company.

**RITU BAHRI J. (Oral)**

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') vide award dated 13.02.2014, on account of injuries received by her in a motor vehicular accident which took place on 21.06.2013.

**FACTS NOT IN DISPUTE**

Brief facts of the case are that on 21.06.2013, claimant-appellant (Sarita) along with her daughter Vandana (since deceased) and Lokesh was going from village Khundroth to Buhana on a motorcycle bearing registration No. HR-36-E-0933. Said motorcycle was being driven

near Santosh Motors, Singhana Road, Narnaul, a truck bearing registration No. RJ-19-GB-8690 being driven by Mahboob-respondent No.1 in a rash and negligent manner, came and hit the motorcycle from behind, as a result of which, all the occupants of the motorcycle fell down and sustained multiple & grievous injuries. Vandana succumbed to the injuries received by her in th accident. With regard to the accident, FIR No.304 dated 21.06.2013, under Sections 279/337/304-A IPC was registered at Police Station, City Narnaul. Consequently, the 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 rash and negligent driving of offending truck by its driver-respondent No.1 and thus, returned the finding on issue no.1 in favour of the claimant. This finding was rightly given on the basis of deposition of Sarita Devi-claimant and the fact that FIR Ex.P47 was registered against respondent No.1. Further, the claimant had proved copy of report under Section 173 Cr.P.C. as Ex.P48 and charge sheet as Ex.P49. Ultimately, the claim petition was accepted by the Tribunal and compensation was assessed as under:-

| Sr. No. | Heads                                                                         | Amount (Rs.)       |
|---------|-------------------------------------------------------------------------------|--------------------|
| 1.      | Pain and sufferings                                                           | Rs.10,000/-        |
| 2.      | Compensation on account of special diet, attendant charges and transportation | Rs.8,000/-         |
| 3.      | Compensation on account of costs of treatment                                 | Rs.33,000/-        |
|         | <b>Total</b>                                                                  | <b>Rs.51,000/-</b> |

Hence, the claimant was found entitled to a total compensation

date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

**REASSESSED COMPENSATION**

I have heard learned counsel for the parties and perused the case file. The fact of accident is admitted and proved.

The claimant-appellant is seeking enhancement of compensation on account of expenses incurred on her treatment. As per deposition of Anil Kumar, Medical Record Keeper, Raj Hospital, Singhana, Rajasthan (PW-5), claimant-appellant was got admitted in the hospital on 28.06.2013 and was discharged on 10.07.2013. She was operated on 28.06.2013. As per record, she remained admitted in the hospital for 13 days. Keeping in view the peculiar circumstances, in which the injured-claimant had been put, the compensation is required to be enhanced. Hence, the compensation is hereby re-assessed as under:-

| Sr. No. | HEADS                                                                          | AMOUNT (In Rs.)                         |
|---------|--------------------------------------------------------------------------------|-----------------------------------------|
| (i)     | Pain and sufferings                                                            | Rs.25,000/-                             |
| (ii)    | Compensation on account of special diet, attendant charges and transportation. | Rs.15,000/-                             |
| (iii)   | Medical bills                                                                  | Rs.33,000/-                             |
| (iv)    | <b>TOTAL COMPENSATION AWARDED</b>                                              | <b>Rs.73,000/-</b>                      |
| (v)     | <b>Enhanced amount of compensation</b>                                         | <b>Rs.73,000 – 51,000 = Rs.22,000/-</b> |

The enhanced amount of compensation of **Rs.22,000/-** shall be payable within a period of two months 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 the 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.

**(RITU BAHRI)**  
**JUDGE**

12.01.2018  
ajp

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