

**FAO No. 8113 of 2014 and
FAO No. 956 of 2015**

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

**FAO No. 8113 of 2014 (O&M)
DECIDED ON: NOVEMBER 21, 2018**

UNITED INDIA INSURANCE CO. LTD

.....APPELLANT

VERSUS

SHITAL AND OTHERS

.....RESPONDENTS

AND

FAO No. 956 of 2015

ISHA RANI @ ISHU GARG

.....APPELLANT

VERSUS

SHITAL & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

**Present: Mr. Lalit Garg, Advocate
for the appellant in FAO No.8113 of 2014 and
for respondent No.3 in FAO No. 956 of 2015.**

Mr. Bhupinder Ghai, Advocate
for respondent No.4 in FAO No. 8113 of 2014 and
for the appellant in FAO No. 956 of 2015.

AVNEESH JHINGAN, J (ORAL)

This order shall dispose of afore-said two appeals as both the appeals have arisen out of the common accident.

2. The award dated 01.07.2014 passed by Motor Accident Claims Tribunal, Fatehgarh Sahib (for brevity 'the Tribunal') has been assailed by the insurer of truck/tipper bearing registration No. PB-12-E-9317 (hereinafter referred to as 'offending vehicle') and claimant by filing two separate appeals.

3. The facts emanating from record are that a motor vehicular accident took place on 22.05.2011. Isha aged about 15 years was travelling in a bus bearing registration No. PB-11-AT-9088. The bus was hit by a rashly and negligently driven offending vehicle near Ghagga town. As a result of the impact, claimant suffered multiple injuries. She was admitted in PGI, Chandigarh and remained admitted for about 4 days and thereafter, she was admitted to Gian Sagar Hospital, Ram Nagar from 20.06.2011 to 30.06.2011.

4. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed.

5. The Tribunal after considering the facts and appreciating the evidence adduced, held that the accident occurred due to rash and negligent driving of offending vehicle. The insurer of offending vehicle was held liable to pay the compensation. The Tribunal awarded a sum of ₹ 1,43,470/- alongwith interest

@9% per annum. The amount awarded included ₹ 1,08,000/- on account of injuries.

6. The insurer of the offending vehicle is aggrieved that the tribunal has awarded a sum of ₹ 1,08,000/- on account of injuries suffered by claimant by applying the multiplier method, in spite of the fact that there was neither permanent nor temporary disability.

7. In the appeal filed by the claimant the grievance raised by the claimant is that the amount awarded under the conventional heads are on lower side.

8. Heard learned counsel for the parties and perused the paper book.

9. There is no dispute on the fact that the claimant, who was a 15 years young girl, got injured in an accident and suffered multiple injuries including one on face. She was hospitalized for four days in PGI, Chandigarh and 11 days in Gian Sagar Hospital. She was operated for nasal repair of ant plate of frontal sinus. The ENT surgeon did rhino plasty using septal incision. All this shows that she underwent surgery and for correction of sinus and nasal.

10. The contention raised by the insurer that the Tribunal erred in applying multiplier method in absence of any permanent disability deserves acceptance. There was no occasion to apply multiplier method as there was nothing on record to show that there was permanent disability suffered by the claimant.

11. Even, though there was a gap between her injuries and admission in PGI on the date of accident. i.e. 22.05.2011 and her subsequent admission in

Gian Sagar Hospital on 20.06.2011. The documents produced on record including the discharge card of Gian Sagar Hospital established that the injuries suffered by the claimant were serious and needed hospitalization and operation.

12. Learned counsel for the claimant contended that keeping in view the fact that the claimant had underwent surgery and for the period of hospitalization, pecuniary as well as non-pecuniary damages must be granted to the claimant.

13. After going through the record and dealing with the contentions raised by both the parties, it is not disputed that the multiplier method should not have been adopted. The claimant has also not been able to substantiate any disability by any cogent proof. But keeping in view the injuries suffered and amount awarded by the Tribunal, no case is made out for interference in both the appeals.

14. Technically even though an amount of ₹ 1,08,000/- should not have been awarded by applying multiplier method, but to arrive at just and equitable compensation the said amount takes care of amount to be awarded under other heads.

15. Dismissed.

(AVNEESH JHINGAN)
JUDGE

NOVEMBER 21, 2018
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Whether speaking/reasoned ***Yes/No***
Whether reportable ***Yes/No***