

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

**FAO No.6308 of 2016 (O&M)
Date of decision: 19.03.2018**

Surjit Kaur

....Appellant

Versus

Harsh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None.

RITU BAHRI J. (Oral)

This appeal has been filed by claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as 'the Tribunal') vide award dated 16.05.2016 on account of injuries received by her in a motor vehicular accident which took place on 09.04.2014.

Brief facts of the case are that on 08.04.2014, Surji Kaur (appellant) along with her son-Sukhdeep Singh and relative Gurwinder Singh was coming from Delhi to Ludhiana in a car bearing temporary No.PB-03-Temp-1099. The said vehicle was being driven by Sukhdeep Singh. At about 1.00 A.M. on 09.04.2014, when they reached at Kumaspur Chowk, G.T. Road, a car bearing registration No. DL-1-CP-8269 being driven by respondent No.1-Harsh in a rash and negligent manner, came from the side of Panipat and struck against the car, in which claimant-appellant and others were travelling. As a result of this accident, claimant and Gurwinder Singh suffered multiple injuries. She (claimant-appellant)

was taken to Civil Hospital, Sonipat. On the next date, she was taken to

Deep Hospital, Ludhiana, where she remained admitted till 11.04.2014. With regard to the accident, FIR Ex.C2 was registered at Police Station, Murthal against respondent No.1 Consequently, the claimant-appellant filed claim petition before the Tribunal.

On the basis of evidence led by the parties, Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of offending vehicle by its driver i.e. 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 deposition of Sukhdeep Singh (CW-1), who was eye witnesses of the accident. Further, the claimant has proved on record FIR Ex.C2, MLR Ex.C4, medical bills Ex.C5 to Ex.C37, medical treatment proof Ex.C38 to Ex.C44. Ultimately, the claim petition was accepted by the Tribunal and compensation was awarded as under:-

Sr. No.	Heads	Amount
1.	For medical expenses	Rs.32,115/-
2.	For pain & sufferings and mental agony	Rs.20,000/-
3.	For transportation, attendant (helper), special diet etc.	Rs.20,000/-
	Total	Rs.72,115/-

Hence, the claimant was found entitled to a total compensation of Rs.72,115/- along with interest at the rate of 9% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands

established that the claimant has received injuries as a result of the accident. A perusal of the impugned award shows that claimant-appellant remained admitted in hospital for two days i.e. from 09.04.2014 to 11.04.2014 and for the said period, adequate compensation has been awarded by the Tribunal.

After going through the impugned Award, this Court is of the view that the compensation has been rightly assessed by the Tribunal after appreciating evidence in the right perspective. No ground is made out to interfere therein.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

19.03.2018
ajp

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