

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

212

FAO-9613-2014 (O&M)
Date of decision: 16.07.2018

MANNU

... Appellant

Versus

BALJIT SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vinod Bhardwaj, Advocate for the appellant.

Mr. V.K. Garg, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

Mannu, the minor child has filed this appeal through his mother seeking enhancement of compensation on account of injuries suffered in a motor vehicular accident that took place on 12.12.2011.

The Tribunal has awarded compensation of Rs.4,65,000/-, detailed hereunder:-

1. Medical bills	Rs.40,000/-
2. Pain and sufferings	Rs.50,000/-
3. Transportation/conveyance	Rs.25,000/-
4. Hospitalization and healthy diet	Rs.25,000/-
5. Loss of amenities and enjoyment	Rs.25,000/-
6. Medical expenses for whole life	Rs.1,00,000/-
7. Compensation for disability	Rs.2,00,000/-

The victim child has been rendered 100% disable on account of sustaining injuries. In the light of judgment of Hon'ble the Supreme Court

Master Mallikarjun Vs. Divisional Manager, The National Insurance

Co. Ltd. and another, 2013(4) RCR (Civil) 295, claimant shall be entitled to Rs.6 lakh for pain and sufferings already undergone and to be suffered in future, mental and physical shock, hardship, inconvenience and discomfort etc. and loss of amenities of life on account of permanent disability. Compensation awarded by the Tribunal under these heads shall be liable to be adjusted out of Rs.6 lakh allowed by this Court. The Tribunal has awarded an amount of Rs.40,000/- towards medical expenses, Rs.25,000/- for transportation and the same is affirmed.

The child aged about 5 years has been rendered 100% disable because of paraplegia with loss of bowel and bladder movement meaning thereby that he requires services of an attendant round the clock. The value of services of an attendant is assessed at Rs.3000/- per month and the same would be available for a period of 15 years, multiplier admissible for grant of compensation qua death of a child less than 15 years of age. Accordingly, claimant shall be entitled to attendant charges of Rs.5,40,000/- (Rs.3000 x 12 x 15).

The Tribunal, in para 25 of the award, has noticed that the victim remained admitted in Kirti Hospital, Kaithal and Amar Hospital, Patiala and then PGIMS, Chandigarh. Counsel for the appellant is not able to point out period of hospitalization in different hospitals. Perusal of the records would reveal that the injured remained hospitalised for a period of approximately 21 days. Accordingly, claimant is awarded compensation of Rs.25,000/- for discomfort, inconvenience, loss of earning of the parents

during the period of treatment and recovery.

Total compensation is Rs.13,55,000/- and the additional amount is Rs.8,90,000/- (13,55,000 - 4,65,000), payable with interest @ 7.5% per annum from the date of petition till realization. Out of additional amount, Rs.1 lakh shall be released forthwith. The balance amount shall be invested in a fixed deposit. Interest accruing on FDR shall be paid to the mother, to meet expenses of the minor. The mother/minor shall be at liberty to file an application for release of fixed deposited amount or a part thereof, to meet requirements of the child, before the Tribunal. The Tribunal shall decide the application on careful consideration that money meant for the minor injured is not misused/misappropriated.

The appeal is partly allowed in the aforesaid terms.

**(REKHA MITTAL)
JUDGE**

16.07.2018

ashok

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No