

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 12.3.2018

FAO No. 9789 of 2014(O&M)

Smt. Paramjit Kaur

---Appellant

versus

Dinesh Kumar and others

---Respondents

FAO No. 770 of 2015(O&M)

Smt. Paramjit Kaur and others

---Appellants

versus

Dinesh Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Navmohit Singh, Advocate
for the appellant in both the appeals**

**Mr. R.D.Sharma, Advocate,
for the insurance company**

Rekha Mittal, J.

This order will dispose of FAO No. 9789 of 2014 and 770 of 2015 as these have emerged out of the same award dated 4.7.2014 passed by the Motor Accidents Claims Tribunal, Kurukshetra (in short “the Tribunal”) whereby compensation has been awarded on account of death of Gurdev Singh and injuries sustained by Smt. Paramjit Kaur in a motor vehicular accident that took place on 15.10.2012.

Counsel for the claimants qua death of Gurdev Singh would

state that he has the instructions to withdraw the appeal(FAO-770 of 2015).

Ordered accordingly.

FAO No. 9789 of 2014

Counsel for the appellant would argue that the injured suffered disability to the extent of 39% i.e. 6% permanent and 33% temporary which is opined to be likely to improve with physiotherapy. It is further argued that the Tribunal has awarded a meager sum of Rs. 60,000/- qua disability when no compensation has been awarded for expenses on physiotherapy. It is further argued that compensation awarded under other heads also needs enhancement.

Counsel representing the insurance company, on the contrary, would urge that the Tribunal was magnanimous in awarding compensation under various heads particularly pain and suffering as well as disability, therefore, there is no justification for enhancement of compensation,.

Perusal of the award makes it evident that the Tribunal has awarded a sum of Rs. 2,80,900/-, detailed hereunder:-

Expenses on medical treatment	`Rs. 1,60,900/-
Pain and suffering	Rs. 50,000/-
Special diet, transportation and services of attendant	Rs. 10,000/-
Disability	Rs. 60,000/-

Indisputably, injured did not get her temporary disability re-assessed. Till date she has not produced any evidence with regard to expenses incurred on physiotherapy, if any. In the given scenario, compensation of Rs. 60,000/- qua disability awarded by the Tribunal needs no intervention by this court. As the Tribunal has already granted sufficient compensation qua pain and suffering and there is not justification for enhancement of compensation towards special diet and services of

attendant.

For the foregoing reasons, the appeal fails and is accordingly dismissed. No order as to costs.

(Rekha Mittal)
Judge

12.3.2018

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No