

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 2394 of 2019 (O&M)
Date of decision: 28.11.2019

Sundri Devi @ Sunderi

...Appellant

V/s.

Mandeep Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Bhishm Singh, Advocate for
Mr. M.S. Rana, Advocate
for the appellant.

RITU BAHRI, J. (Oral).

CM-7702-CII-2019

For the reasons recorded in the application, the same is allowed
and the delay of 135 days in filing the appeal is condoned.

FAO-2394-2019

The appellant has come up in appeal against the award of the
Tribunal dated 11.07.2018 whereby she has been awarded compensation of
Rs.1,57,850/- on account of injuries sustained in a road accident which took
place on 29.04.2016.

Brief facts of the case are that on 29.04.2016 at about 5:30 p.m.
claimant alongwith her husband Data Ram was coming back to their village
after doing daily work in their field. They were walking on foot on the left
hand side of the road and as soon as they reached near Kaushalya Dam, a
motorcycle bearing registration No. HR-49-E-4795 came from Himshikha
side. The same was being driven by respondent No. 1 at a very high speed

in a rash and negligent manner. The said motorcycle directly hit the claimant as a result of which she fell down and sustained serious injuries. She was rushed to Government Hospital, Pinjore and after first aid, she was referred to GMCH, Sector 32, Chandigarh where she was operated upon her fractured left leg. The accident took place due to rash and negligent driving of respondent No.1. Consequently, the claimant-appellant filed a claim petition before the Tribunal.

The parties are not in dispute with respect to finding on issue No. 1 that the accident took place on account of negligent driving of the driver of the offending vehicle. This finding has been rightly given in favour of the claimant keeping in view FIR No. 155 dated 04.05.2016 under Sections 279 and 337 IPC (Ex.P24) was registered against respondent No.1 on the statement of PW2 Data Ram.

The claimant has suffered 15% permanent disability as per the disability certificate (Ex.P1). This disability certificate was proved by PW3 Dr. K.K. Bansal, SMO Civil Hospital, Sector 6 Panchkula. He deposed that the claimant was examined by the Medical Board and was found to be having 15% disability in relation to left lower limb and not in relation to whole body. The claimant has been awarded Rs.30,000/- under the head of disability. The claimant was 60 years of age and the Tribunal has assessed the following compensation:-

Sr. No.	HEADS	CALCULATIONS
(i)	Pain and mental suffering	Rs.40,000/-
(ii)	Diet and attendant charges	Rs.4,500/-
(iii)	Transportation charges	Rs.3,000/-
(iv)	Loss of earning during treatment	Rs.7,790/-
(v)	Medical bills (Ex.P2 to Ex.P23)	Rs.72,560/-
(vi)	Loss of amenities of life on account of disability	Rs.30,000/-

	TOTAL COMPENSATION AWARDED	Rs.1,57,850/-
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The compensation has been awarded under all heads. Hence,
no further modification is required.

Dismissed.

(RITU BAHRI)
JUDGE

28.11.2019
Divyanshi

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