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

**FAO No.2380 of 2001 (O&M)  
Date of Decision: 25.03.2019**

**Jasbir Kaur**

**.....Appellant**

**Vs**

**Angrej Singh and others**

**....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Jagdish Manchanda, Advocate  
for the appellant.

Mr. R.N. Singal, Advocate  
for respondent No.3/Insurance Company.

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**RAJ MOHAN SINGH, J. (Oral)**

[1]. The paper book of this appeal was reconstructed by the office which was partially burnt.

[2]. The present appeal was ordered to be heard with FAO No.2379 of 2001. The said appeal has already been dismissed in default vide order dated 03.02.2014 passed by the Co-ordinate Bench. Liberty was given to the appellant in the said appeal to seek restoration of the case. The present appeal has also arisen from the common award dated 06.02.2001 passed by the Motor Accidents Claim Tribunal, Chandigarh (for short 'the Tribunal') in two claim petitions filed by Charan Pal

Singh Sandhu and the present appellant, who happens to be the wife of Charan Pal Singh Sandhu.

[3]. The couple received injuries in a vehicular accident. Appellant has suffered injuries/fracture of ribs i.e. second to sixth on right side and a lacerated wound on the left eye. She remained hospitalized in CMC Ludhiana from 06.11.1996 to 08.11.1996 and thereafter kept on attending the hospital as outdoor patient for follow up treatment.

[4]. Appellant produced on record discharge card as Ex.P-95, expenditure on her treatment vide Bills as Ex.P-102, test report of PGI Chandigarh as Ex.P-103. As per disability certificate Ex.P-98, the appellant has suffered permanent disability to the tune of 15% due to fracture of ribs and limitation of movement of spine.

[5]. After appreciating the evidence on record, the Tribunal awarded a sum of Rs.30,000/- towards permanent disability. An amount of Rs.15,000/- towards pain and suffering and Rs.15,000/- towards treatment/transportation charges and special diet were awarded by the Tribunal. In all, the appellant was awarded a compensation of Rs.60,000/- along with interest @12% per annum from the date of filing of the claim petition till final realization of the amount.

[6]. I have considered the submissions made by learned

counsel for the parties.

[7]. On 08.09.2017, learned counsel for respondent No.3 made a statement that the Insurance Company is the only contesting respondent, therefore, service qua respondents be taken to be complete.

[8]. This appeal was ordered to be listed along with FAO No.2379 of 2001. Since the said appeal has already been dismissed for non-prosecution, therefore, I proceeded to hear this appeal independently on merits.

[9]. As per disability certificate Ex.P-98, the appellant had suffered permanent disability to the tune of 15% on account of fracture of ribs and limitation of movement of spine. Though the appellant remained confined and admitted in the hospital for few days, but thereafter she undertook treatment as OPD patient after her discharge. Even she took treatment from PGI, Chandigarh as an outdoor patient. OPD card was produced on record as Ex.P-96. Even though the fracture suffered by the appellant was healed with the passage of time, but for the injuries suffered by her at the relevant time, just compensation has to be awarded. In my considered opinion, the award of Rs.30,000/- for 15% permanent disability is on the lower side and the same needs to be enhanced to the tune of Rs.50,000/-.

[10]. Once the appellant was found to be injured and was

treated in the hospital, the sufferance on account of pain and suffering cannot be assessed for a paltry amount of Rs.15,000/-.

Though the accident took place in the year 1996, therefore, I deem it appropriate to enhance the compensation of amount of Rs.15,000 to Rs.30,000/- towards pain and suffering.

[11]. Similarly for other components like treatment, transportation charges and special diet, the amount of compensation also needs to be enhanced from Rs.15,000/- to Rs.30,000/-. In this way, the total amount of compensation is assessed to be Rs.1,10,000/- (Rs.50,000 + 30,000 + 30,000).

[12]. The enhanced amount of compensation i.e. Rs.50,000/- (1,10,000 – 60,000) shall be paid by respondent No.3 along with interest @ Rs.7.5% from the date of filing of the claim petition till final realization of the amount.

[13]. With the aforesaid modification this appeal is disposed of.

March 25, 2019

*Atik*

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No

Yes/No