

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

FAO No. 10596 of 2014 (O&M)
Date of decision: April 1st 2019

Nasib Kaur

...Appellant

Versus

Ranjit Singh and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Harjeet Singh Kotli, Advocate, for
Mr. J.S. Khiva, Advocate,
for the appellant.

Mr. Radhey Shyam Sharma, Advocate,
for respondent No.2.

JAISHREE THAKUR, J.

1. This appeal seeks to challenge the award dated 1.11.2014 passed by the Motor Accident Claims Tribunal, Mansa, wherein the appellant herein has been allowed compensation of a sum of ₹1,69,000/- on account of the injuries suffered by her.

2. In brief, the facts are that in an accident that took place on 18.8.2012, the appellant herein suffered serious injuries. Therefore, the claimant filed a claim petition, while stating that on account of rash and negligent driving of the truck bearing registration No. PB-11AV-6782, the appellant suffered serious injuries. She was first taken to Civil Hospital, Sardulgarh, from where she was referred to Civil Hospital and then to Guru

Gobind Singh Medical College and Hospital, Faridkot where she remained admitted from 18.8.2012 to 3.9.2012 and underwent various operations. On account of the said accident, she suffered permanent disability.

3. Learned counsel for the appellant submits that the amount of compensation awarded by the Tribunal is on the lower side. It is submitted that in the accident the appellant suffered grievous injuries and she remained admitted in the hospital from 18.8.2012 to 3.9.2012 and underwent operations. She remained bed ridden and is still under treatment. It is also submitted that the claimant requires assistance even to answer the call of nature. It is also submitted that the claimant being an illiterate lady is not expected to preserve all the receipts, but the Tribunal has not specifically awarded any amount of compensation on account of loss of earning during the period of her treatment, loss of future earning on account of permanent disability suffered by the appellant etc.

4. Per contra, learned counsel appearing on behalf of the respondent—insurance company submits that adequate amount of compensation has been awarded by the Tribunal and no interference is called for.

5. I have heard learned counsel for the parties and perused the impugned award.

6. The Tribunal, after considering the evidence adduced before it, and considering the contentions raised on behalf of the parties, in its detailed judgment, held as under:-

“As is noticed here, the claimant has not proved on record any

disability certificate showing that she has suffered any permanent disability which could make her disable to earn or which could be a cause of loss of future prospects etc. However, it is a matter of evidence that she met with accident and she remained admitted and under treatment of various hospitals and is still getting treatment. Obviously, she would have engaged some attendant to look-after her, who would have shed his/her own income. The injured would have also utilized the transport facility and would have also been provided a special diet. As the claimant is an illiterate lady, therefore, she may have not retained the entire receipts of payments made by her under various heads of expenses. The claimant has claimed ₹89,430/- (rupees eighty nine thousand four hundred thirty two) under the head medical expenses as per medical bills/receipts Ex. C-2 to Ex. D-32, which rounded off to ₹90,000/- (rupees ninety thousand) though she would have spent more than that. Similarly, there is no bill regarding transportation. Obviously, the injured would have utilized some modes of transportation for going to the hospitals for treatment. She would have lost her income. No exact amount is possible to be given, therefore, the tribunal has to apply some guess work in awarding the compensation.”

As observed by the Tribunal, the claimant did not prove the extent of temporary or permanent disability suffered by her by producing a doctor. Therefore, in view of the nature of the evidence produced by the claimants, the Tribunal awarded ₹90,000/- towards medical expenses, ₹50,000/- on account of physical and mental pain, ₹10,000/- towards attendant charges during treatment and future treatment, ₹10,000/- future medical expenses, ₹5,000/- transportation charges, ₹2,000/- future transportation charges and

₹2,000/- towards special diet, totaling ₹1,69,000/-.

On a composite reading of the award, this Court finds no ground for any interference. Dismissed.

April 1, 2019
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No