

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

FAO No. 277 of 2016(O&M)

Date of decision: 30.8.2019

Santra Devi

.....Appellant

VERSUS

Mukesh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ram Kumar Saini, Advocate for the appellant.

Mr. Punit Jain, Advocate for respondent No.3.

REKHA MITTAL, J.(Oral)

CM No.768-CII of 2016

Prayer in this application is for condoning delay of 60 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Santra Devi, the appellant, the application is allowed. Delay of 60 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No.277 of 2016

The claimant is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Hisar (in short 'the Tribunal') on account of injuries sustained in a motor vehicular accident that took place on 15.07.2013.

The Tribunal awarded Rs.86,300/-, detailed hereunder;-

Medical expenses and hospitalization	Rs.76,300/-
Pain & suffering, mental shock and agony	Rs.5000/-
Special diet	Rs.2000/-
Attendant charges	Rs.2000/-
Transportation	Rs.1000/-

Counsel for the appellant would argue that compensation allowed by the Tribunal for pain and suffering, special diet, attendant charges and transportation is grossly inadequate. It is further submitted that the injured sustained fracture of both bones left fore-arm but the Tribunal has not allowed compensation for loss of her services during the period of treatment and recovery.

Counsel representing the insurance company, on the contrary, has supported assessment made by the Tribunal

The injured/claimant remained admitted in Sapra Multi-Specialty Hospital, Hisar from 15.07.2013 to 21.07.2013. Dr. Tarun Sapra PW-2 of the aforesaid hospital was examined and he deposed that the appellant suffered fracture of both bones left forearm and she was operated for the same and discharged on 21.07.2013. As the claimant suffered fracture of both bones left forearm, she is awarded Rs.10,000/- for pain and sufferings, mental shock and agony (additional amount of Rs.5000/-). Compensation for special diet, attendant charges and transportation is increased to Rs.10000/- (additional amount of Rs.5000/-). Claimant shall be entitle to loss of her services as a house-maker for a period of two months at the rate of Rs.5000/- per month, total amounting to Rs.10,000/-. Reimbursement of medical expenses to the tune of Rs.76,300/- allowed by the Tribunal is affirmed.

In view of the above, total compensation is Rs.1,06,300/- and additional amount is Rs.20000/- (Rs.1,06,300/- - Rs.86,300/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

AUGUST 30, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no