

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

-.-

FAO 3000 of 2016 (O&M)

Date of decision: 10.05.2019

Jaspreet Kaur

.....Appellant

Versus

Amarjit Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Mayank Mathur, Advocate
for the appellant

Mr. Vinod Gupta, Advocate
for the respondent insurance company

-.-

Rekha Mittal, J. (Oral)

The claimant is in appeal seeking enhancement of compensation in respect of injuries sustained in a motor vehicular accident that took place on 14.06.2013.

The Tribunal awarded Rs.3,50,000/-, detailed hereunder:-

-Medical reimbursement	Rs.34,692/-
-Compensation qua disability	Rs.1,80,000/-
-Pain and sufferings	Rs.85,000/-
-Loss of amenities, transportation and special diet	Rs.50,000/-

The injured is a child aged about 10 years and the appeal has been preferred through her mother and natural guardian. She has suffered permanent disability to the extent of 40% on account of shortening of left leg by 3 inches and weaknesses of hip joint. There is no clear evidence

available on record to show as to how disability of a particular limb is to be treated as functional disability. At the same time, functional disability suffered by the victim cannot be assessed less than 10%. Accordingly, the appellant shall be entitled to a sum of Rs.3,00,000/- for pain and sufferings already undergone and to be suffered in future, mental and physical shock, hardship, inconvenience, discomfort etc. and loss of amenities in her life.

Medical expense of Rs.34,692/- reimbursed by the Tribunal is affirmed. The injured remained hospitalized for a period of about two months. The appellant is allowed a sum of Rs.25,000/- for discomfort, inconvenience and loss of earning to parents during the period of hospitalization. Another sum of Rs.30,000/- is awarded for future medical expenses as the injured suffered shortening of left leg by 3 inches and weakness of hip joint. Total compensation is Rs.3,89,692/- (Rs.34,692 + 3,00,000/- + 25,000/- + 30,000/-) and additional amount is Rs.39,692.00 (Rs.3,89,692.00 – Rs.3,50,000.00) payable with interest @ 7.5% per annum from the date of petition till realization. The additional amount shall be converted into fixed deposit payable on her attaining majority but interest accruing thereon shall be paid to mother of the victim for meeting her day-to-day expenses.

In view of what has been discussed hereinabove, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

10.05.2019
Mohan Bimbura

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