

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

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FAO-3761-2016 (O&M)

Date of decision: 18.12.2019

SARLA DEVI

... Appellant

Versus

VIJAY YADAV AND OTHERS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Bhavna Grewal, Advocate for the appellant.
Mr. Deepak Pareek, Advocate for
Mr. Chanderhas Yadav, Advocate for respondents No.1 and 2.
Mr. Swati Batra, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 10.08.2014.

The Tribunal awarded Rs.1,17,587/-, detailed hereunder:-

Reimbursement of medical expenses	Rs.52,587/-
Pain and sufferings	Rs.20,000/-
Loss of income/earning	Rs.15,000/-
Compensation on account of disability	Rs.20,000/-
Attendant charges, transportation and special diet	Rs.10,000/-

Counsel for the appellant would argue that compensation allowed under various heads is inadequate and merits enhancement. It is further argued that as injured suffered disability to the extent of 10%, the Tribunal should have allowed loss of future income by applying multiplier method.

Counsel representing the insurance company, on the other hand, has supported assessment.

The reimbursement of medical expenses allowed by the Tribunal is correct and affirmed.

The Tribunal has awarded Rs.20,000/- for pain and sufferings and Rs.10,000/- for attendant charges, transportation and special diet. The injured remained hospitalised w.e.f 10.08.2014 to 20.8.2014. She was operated on 10.08.2014 for fracture humerus and upper tibia. The

claimant is awarded additional sum of Rs.5000/- under the aforesaid heads.

The Tribunal has awarded loss of income for a period of three months by assessing monthly income of the victim at Rs.5000/-. The statement of the claimant with regard to her doing tailoring work does not find corroboration from an independent source. Even if she is treated as a house-maker, monthly loss of services of the victim is assessed at Rs.9000/- and she is awarded Rs.27,000/- for loss of services for a period of three months (additional amount of Rs.12,000/-).

The Tribunal, in para 26 of the award, has noticed that there are two certificates with regard to disability namely certificate dated 25.02.2015 issued by the office of Civil Surgeon, Narnaul and Ex.P37 issued on 29.04.2015 by PGIMS, Rohtak. As per disability certificate issued by Civil Surgeon, Narnaul, she did not suffer any permanent disability but PGIMS, Rohtak has assessed her disability to the extent of 10%. It is surprising that on 25.02.2015, she had no disability but on 29.4.2015, she had disability of 10%. Anyhow, the Tribunal has awarded Rs.20,000/- on account of permanent disability and this Court would not interfere in the same. In view of the above, total compensation is Rs.1,34,587/- and additional amount is Rs.17,000/- (1,34,587 - 1,17,587) payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

18.12.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No