

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

**FAO No. 9256 of 2014
Date of decision:- 24.07.2019**

Tina ...Appellant

Versus

Jaivir and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms. Gurdeep Kaur, Advocate for
Mr. Sandeep K. Sharma, Advocate
for the appellant.

Mr. Kuldeep Singh, Advocate
for respondent No. 3-Insurance Co.

RITU BAHRI J. (Oral)

The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 21.05.2014 passed by the learned Motor Accident Claims Tribunal, Rohtak (for short, 'the Tribunal') to the tune of Rs.43,000/-.

FACTS NOT IN DISPUTE

On 05.12.2012, appellant was going on her foot for purchasing the vegetables from her house to Gohana Adda, Rohtak. The appellant was walking on her side when suddenly an Auto bearing registration No. HR-46C-5675 came from behind which was being driven by its driver in a rash and negligent manner and struck into appellant. Due to this, the appellant received grievous injuries in her leg. She was operated by the doctors of the PGIMS, Rohtak since there was a fracture. The driver of the auto fled away from the spot.

COMPENSATION ASSESSED BY MACT

Medical Expenses	Rs.16,500
Transportation	Rs.2000/-
Permanent Disability, Pain and suffering	Rs.10,000/-
Special diet	Rs.1000/-
For Implants	Rs.7500/-
Attendant Charges	Rs.1000/-
Physiotherapy	Rs.5000/-
Total compensation	Rs. 43000/-

The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal to the present appellant is on the lower side and deserves to be enhanced.

After going through the contents of the appeal and going through the award passed by the Tribunal, the compensation is required to be re-assessed as under:-

Medical Expenses	Rs.16,500
Transportation	Rs.5000/-
Permanent Disability, Pain and suffering	Rs.10,000/-
Special diet	Rs.5000/-
For Implants	Rs.7500/-
Attendant Charges	Rs.5000/-
Physiotherapy	Rs.10000/-
Total compensation	Rs. 59000/-
Enhanced compensation	59000-43000=Rs.16000/-

The enhanced amount of compensation of Rs.16,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, in view of judgment of Hon'ble the Apex Court in **Civil Appeal No. 4528-**

*2019 titled as Dara Singh @ Dhara Banjara vs. Shyam Singh Varma and
ors, decided on 01.05.2019.* The remaining conditions of disbursal of
amount and recovery rights shall remain unaltered.

Accordingly, the award stands modified to the above extent and
the present appeal is partly allowed.

24.07.2019
G Arora

(*RITU BAHRI*)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>