IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.7402 of 2017 (O&M)
Date of decision: 22.10.2019

Meena Sharma

….Appellant

Versus

Mohit Bansal and others

….Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manoj Pundir, Advocate,
for the appellant.

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RITU BAHRI J. (Oral)

CM No.24668-CII of 2017

For the reasons mentioned in the application, same is allowed and delay of 51 days in filing of the appeal is condoned.

FAO No.7402 of 2017

This appeal has been filed by claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as 'the Tribunal') vide award dated 07.01.2017 on account of injuries received by him in a motor vehicular accident which took place on 01.09.2015.

Brief facts of the case are that on 01.09.2015, Meena Sharma (appellant) along with her husband and son was going from Panchkula to Nahan, District Sirmaur (HP) in a car bearing No.HP-18-B-4327. The said car was being driven by Karun. At about 7.25 A.M., when they reached near ITBP, Bhanu, a car bearing No.CH-01-AF-0327, being driven by Mohit Bansal-respondent No.1 in a rash and negligent manner, came from the side of Barwala and struck against the car of claimant, as result of

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which, she (claimant) and other occupants of the car received multiple and grievous injuries. The injured were shifted to the General Hospital. However, claimant was referred to PGI, Chandigarh, where she remained admitted from 01.09.2015 till 07.09.2015. With regard to the accident, FIR No.239 dated 01.09.2015, under Sections 279/337 IPC was registered at Police Station, Chandimandir against respondent No.1 Consequently, the claimant-appellant filed claim petition before the Tribunal.

On the basis of evidence led by the parties, Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of offending vehicle by its driver i.e. respondent No.1 and thus, returned the finding on issue No.1 in favour of the claimant. This finding was rightly given on the basis of deposition of Meena Sharma, claimant (PW-1). Further, the claimant has proved on record documents Ex.P1 to Ex.P98. Ultimately, the claim petition was accepted by the Tribunal and compensation was awarded as under:-

Sr. No.	Heads	Amount
1.	Transportation to hospital	Rs.23,100/-
2.	Attendant Charges	Rs.5000/-
3.	Diet and nutrition	Rs.10,000/-
4.	Medical expenses	Rs.1,00,423/-
5.	Pain and sufferings	Rs.50,000/-
	Total	Rs.1,88,523/-

Hence, the claimant was found entitled to a total compensation of Rs.1,88,523/- along with interest at the rate of 7% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

I have heard learned counsel for the parties and perused the case file.

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The fact of accident is admitted and proved. It stands established that the claimant has received injuries as a result of the accident. A perusal of the impugned award shows that after the accident in question, claimant-appellant has not suffered any permanent disability. Further, Rs.1,00,423/- have been awarded to her on account of medical expenses. Meaning thereby, adequate compensation has been awarded by the Tribunal.

After going through the impugned Award, this Court is of the view that the compensation has been rightly assessed by the Tribunal after appreciating evidence in the right perspective. No ground is made out to interfere therein.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

22.10.2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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