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

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FAO No.6287 of 2019 (O&M)

Date of decision : 21.01.2020.

Sukhdev Singh

... Appellant

Versus

Sweety and another

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Anutej Singh Barnala, Advocate for the appellant.

Anupinder Singh Grewal, J. (Oral)

CM No.21177-CII of 2019

There is a delay of 154 days in preferring the appeal.

It is stated in the application that the counsel, who was engaged by the appellant before the Tribunal, did not inform him about the decision of the case, due to which, the appellant could not prefer the appeal in time. The appellant, after having been informed about the decision, had promptly preferred the appeal.

Heard. For the reasons stated in the application, the same is allowed and delay of 154 days in preferring the appeal is condoned.

Main case

The appellant has challenged the order passed by the Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') dated 02.02.2019 whereby compensation of ₹2,85,000/- has been awarded to respondent No.1.

Learned counsel for the appellant contends that the compensation is on the higher side and deserves to be reduced.

Heard.

It was stated in the claim petition that the claimant (respondent No.1), who was a student of B.Com., was driving Activa Scooter bearing registration No.CH01-BC-4283 on 08.10.2016 and going towards the Fortis Hospital, Mohali to drop her sister. At about 8.50 am, when they had crossed Phase-9, Mohali near Gandanala Bridge, a Swift Car bearing registration No.PB01-A-5974, owned by the appellant and driven by respondent No.2 allegedly in a rash and negligent manner came from back side and hit the Activa and as a result thereof, respondent No.1 and her sister fell on the road and respondent No.1 suffered multiple injuries on various parts of the body including face, arms, legs, hands and two of her teeth were uprooted. The scooter was also damaged in the accident. In support of her case, the claimant examined herself as PW-1. She had tendered her affidavit Ex.PW1/A. She has also examined Dr. Davinder Kumar and Dr. Pushpinder Kaur, MDS (Orthopedics), Government Hospital, Sector 16, Chandigarh, who had deposed in her favour. She had tendered medical bill dated 18.03.2018 regarding implantation of teeth as Ex. PW1/18.

The Tribunal had held that the factum and manner of occurrence had been sufficiently proved through the evidence led by PW-1 and other documents which included the copies of the FIR of the incident and the out patient card which were produced as Ex.PW1/7 and Ex.PW1/9 respectively. As per the medical evidence, permanent disability of the claimant was 30%. She had suffered multiple injuries on her face and limb as well as disfiguring of her face. The injuries were also on her nose, forehead, upper lip and two teeth had been uprooted which were causing hindrance in her speech also. It was observed that respondent No.1, who was 21 years of age, was unmarried at that time. The medical bills amounting to ₹1,24,000/- were produced as Ex.PW1/10. The Doctors in their testimony had proved the disability certificate Ex. PW1/8. They

had also deposed that due to damage of two teeth, there was aesthetic and functional loss which amounts to disfigurement of face. It would also affect the digestive system and chewing and therefore, the disability was found to be permanent. As per disability Certificate Ex.PW-1/8, there was both aesthetic and functional loss of 30%. The compensation which was assessed by the trial Court is as under:-

Sr. No.	Particulars	Amount
1.	Special Diet and Hospitalization charges etc.	₹1,000/-
2.	Pain and suffering	₹10,000/-
3.	Medical Expenses	₹1,24,000/-
4.	Loss of amenities and loss of life expectancy	₹1,50,000/-
	Total Amount	₹ 2,85,000/-

As the vehicle was not insured, the appellant, who is the owner of the vehicle and respondent No.2, who is the driver of the vehicle, were held to be jointly and severally liable to pay the compensation to the claimant. The compensation which has been awarded by the Tribunal cannot in any manner be said to be on the higher side. 21 years old girl, who was studying in B.Com., had suffered several injuries which had resulted in permanent disability to the extent of 30%. There was disfigurement of her face as well.

Consequently, I do not find any merit in the instant appeal which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 21, 2020
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No