

130 Injury case

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

**FAO-1744-2021 (O&M)
Date of decision: 01.11.2021**

UP State Road Transport Corporation

...Appellant

Versus

Sarika Verma and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Amit Jaiswal, Advocate,
for the appellant.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Appellant is owner of the offending bus i.e. UP State Road Transport Corporation aggrieved against quantum of compensation awarded by the learned Motor Accident Claims Tribunal to the injured-SarikaVerma.

2. Learned Tribunal has granted compensation and arrived at the quantum thereof, *inter alia*, based on the following reasoning:-

XXX

XXX

"37 *It cannot be said claimant Sarika Verma suffered any permanent disability, since there is no material in this regard on record. As per her, after accident, she was initially shifted to Begrajpur Medical College from the spot and from there, he was shifted to Healing Touch Hospital, Ambala City, where many operations were conducted by the doctors on her and she remained admitted there up to 06.05.2019, and she is still under treatment. Claimant has got examined Dr.K.L.Khurana from Healing Touch Hospital as PW4, who has brought record pertaining to medical treatment of claimant-Sarika Verma. Further he has stated that patient Sarika Verma remained admitted in the hospital from 28.04.2019 to 06.05.2019 in connection with serious injuries suffered by her in the accident in question. Further, the said witness has testified in regard to Ex.P-3 i.e. discharge summary issued by the Healing Touch Hospital. Documents*

Ex.P-3(Discharge summary) would show that claimant Sarika Verma remained admitted in hospital from 28.04.2019 to 06.05.2019 in connection with various injuries, which she suffered in the accident in question.

XXX XXX

40. Insofar as loss of earning during the period of treatment is concerned, it is apparent that she remained admitted in hospital from 28.04.2019 to 06.05.2019, and it can well be gauged that due to injuries received and due to pain etc. caused by the said injuries, she must not have been able to pursue her work for three months at least. In regard to her income, claimant Sarika Verma has placed upon record income tax return for the assessment year 2018-2019. The gross income as per document Ex.P16 i.e. Income Tax Return for the assessment year 2018-2019 is Rs. 2, 54,000/-.Her monthly income thus comes to Rs. 21,166.66. Loss of earning during the period of treatment thus comes to Rs.63,499.98 (Rs.21,166,66x3=63,499.98).

41. In so far as the head “damages for pain suffering and trauma as a consequence of the injuries” is concerned, an amount of Rs.50,000/- is granted under that head.

42. In total, claimant is held entitled to a sum of Rs. 2,15,257.98 as compensation for the injuries suffered by her in this accident, as tabulated below:-

Injury case			
Period of Hospitalization 28.04.2019 to 06.05.2019			
Heads of claim			
Sr. No.		Amount (Rs.)	
1	Expenses relating to treatment, hospitalization, medicines which were incurred by the claimant.	Rs.51,758/-	
2.	Transportation, nourishing food and miscellaneous expenses	Rs.50,000/-	
3.	Loss of earning during the period of treatment	Rs.63,499.98	
3.	Damages for pain, suffering and trauma	Rs.50,000/-	
4.	Total (1+2+3+4)	Rs.2,15,257.98	

3. Perusal of the above reflects that the Tribunal has given cogent and acceptable reasons while arriving at the quantum of compensation. I find no grounds to differ from that reasoning.
4. The argument of learned counsel for the appellant that victim suffered no injury is insipid as can be. The evidence adduced clearly reflects that she was hospitalised. That apart, even if physical injuries are

not suffered by her if that were the case, I am of the view that even mental trauma is an injury, which leaves the victim scared for rest of her life having been witness to the accident where one of the co-victim lost the life, is much worse than having suffered physical injuries.

5. Being so, given that victim has been given already a meagre compensation perhaps she would have been entitled for the higher quantum. However, this Court refrains to comment on the same since she is not before this Court seeking enhancement thereof. In the interest of justice, appeal is simply dismissed.

6. Pending application, if any, shall also stand disposed of.

01.11.2021
vandana

(ARUN MONGA)
JUDGE

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