

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

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FAO-375-2014

Date of decision: 20.07.2022

Maya Devi

.....Appellant

Versus

Manjeet Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Dheeraj Narula, Advocate
for the appellant.

Mr. Aarish Kamboj, Advocate for
Mr. Satbir S. Gill, Advocate
for respondents No.1 and 2.

Mr. Eklavya Darshi, Advocate
for respondent No.3-insurance company.

MANJARI NEHRU KAUL, J. (ORAL)

The injured claimant is impugning the award dated 10.05.2013 passed by learned Motor Accidents Claims Tribunal, Sirsa (for short, 'the Tribunal') wherein she was awarded the following compensation on account of the injuries including permanent disability sustained by her in a motor vehicular accident which took place on 08.03.2011:-

Sr. No.	Head	Amount
1.	Compensation for medical treatment and consultation fee	Rs.62,731/-
2.	Compensation for permanent disability (28%)	Rs.56,000/-
3.	Hospitalization, pain and suffering as well as special diet charges	Rs.25,000/-
4.	Total compensation	Rs.1,43,731/-

Learned counsel for the appellant/claimant submits that the compensation awarded is meagre moreso, since it was a matter of

record that the injured had been assessed with permanent disability to the extent of 28% inasmuch as she had lost hearing of her left ear. Learned counsel submits that the injured was a 73 year old lady and on account of the permanent disability she was finding it very difficult to lead a normal life as her hearing had diminished a lot. While drawing the attention of this Court to the disability certificate (Ex.P1), learned counsel submitted that Ex.PW4 Dr.Amandeep Mittal, Medical Officer (ENT), General Hospital, Sirsa had categorically deposed that loss of hearing was unlikely to improve with the passage of time.

Per contra, learned counsel appearing for the insurance company submitted that no doubt the claimant injured had lost hearing of her left ear but it was not the case she had become stone deaf. He also apprised the Court that the claimant injured had died during pendency of the instant appeal of natural causes. Learned counsel vehemently prayed for dismissal of the instant appeal by urging that the injured claimant had been adequately compensated by the Tribunal which had taken care of not only her permanent disability but also the pain and suffering, medical expenses, special diet etc.

I have heard learned counsel for the parties and perused the material on record.

It has been apprised by the learned counsel for the insurance company that during pendency of the instant appeal the appellant/claimant had died of natural causes. A perusal of case file also shows that on 19.05.2017, learned counsel for the appellant informed the Court that the appellant had died and he sought time to file requisite application for impleading the LRs of the deceased

appellant. However, he failed to implead the LRs of the appellant after affording ample opportunities.

Even otherwise also, learned counsel for the appellant has failed to satisfy this Court that the compensation awarded by the Tribunal was on the lower side. Consequently, finding no merit in the appeal the same is hereby dismissed.

20.07.2022

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)
JUDGE