

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

391

FAO-3559-2011

Date of Decision: 20.09.2022

Bala Devi

---Appellant

versus

Ajit Singh and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- None for the appellant.

Mr. Ashish Yadav, Advocate
for respondents No.1 and 2.

None for respondent No.3.

JAGMOHAN BANSAL, J. (ORAL)

1. The appellant through instant appeal is seeking enhancement of compensation awarded vide award dated 08.01.2010 passed by Motor Accident Claims Tribunal, Gurgaon (for short 'Tribunal') whereby learned Tribunal has awarded a sum of Rs.70,000/- along with interest @ 6% per annum from the date of filing of the claim petition.

2. In spite of notice, there is no representation on behalf of the appellant as well insurer. The appeal was listed before this Bench on 09.09.2022 and Registry was directed to inform to Mr. J. K. Verma, Advocate for the appellant and Mr. Vyom Bansal, Advocate for respondent No.3.

3. As per report submitted by Registry, both the counsels

have been informed telephonically as well as through e-mail. Still, there is no representation on behalf of the appellant and respondent-insurer. Appeal is pending since 2011 and there seems no reason to keep it further pending. Therefore, I hereby proceed to adjudicate present appeal with the able assistance of Mr. Ashish Yadav, counsel for respondents No.1 and 2-driver and owner of the vehicle.

4. The facts emerging from record and necessary for the adjudication of present appeal are that on 22.01.2009 at about 5.00 p.m., the appellant along with her co-employees namely Kailash and Sunil was coming back to her home from her place of work. She met with an accident with a jeep bearing registration No.HR-56/3069 which hit her from the backside. She fell down on the road and sustained multiple grievous injuries. The appellant filed a petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of injuries suffered by her. Learned Tribunal recorded a finding that the driver of the jeep was rash and negligent and accordingly proceeded to determine amount of compensation payable to the appellant. Learned Tribunal noticed that appellant had undergone surgery and she had further remained admitted in hospital. On the basis of medical record, medical slips of expenses and permanent disability, learned Tribunal awarded a sum of Rs.70,000/-.

6. I have perused the record and heard arguments of counsel for the respondents No.1 and 2.

7. The conceded position emerging from record is that

appellant had met with an accident and she had suffered 7% permanent disability. She had undergone surgery on account of fracture of bones of her right leg. She remained hospitalised from 22.01.2009 to 25.01.2009. She paid a sum of Rs.20,425 on account of hospital expenses. She suffering from 7% permanent disability. She was working with M/s Vitro Biotechnologies and getting salary as casual labourer Rs.3586/- per month.

8. Considering the nature of injuries, medical expenses incurred by appellant, period of hospitalisation, the nature of permanent disability and the fact that appellant was a working women and getting salary of Rs.3586/- per month, I deem it appropriate to enhance the amount of compensation from Rs.70,000/- to Rs.1 lakh.

9. The appellant is entitled to interest @ 7.5% from the date of filing of claim petition till the date of actual payment. It is made clear that amount already paid would be deducted from claim determined hereinabove.

10. The respondent is directed to make payment within a period of eight weeks from today.

11. The appeal is disposed of in the abovesaid terms.

(JAGMOHAN BANSAL)
JUDGE

20.09.2022
anju

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