

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No.3381 of 2013

Date of Decision: 27.01.2023

Smt. Krishna Sharma

.....Appellant

Versus

Kapil and another

.....Respondents

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Ms. Seemantika Jindal, Advocate appearing for
Mr. Sachin Mittal, Advocate
for the appellant.

None for respondent No.1.

Appeal dismissed qua respondent No.2.

MEENAKSHI I. MEHTA, J.(Oral)

Feeling aggrieved and dis-satisfied with the Award as passed by learned Motor Accident Claims Tribunal, Gurugram (for short 'the Tribunal') on 22.01.2013, whereby the appellant-claimant (here-in-after to be referred as 'the claimant') has been awarded compensation to the tune of Rs.57,100/-, along-with interest @7.5% per annum from the date of filing of the claim petition, on account of the injuries suffered by her in a motor vehicular accident, she (claimant) has preferred this appeal for seeking the enhancement of the amount of compensation.

2. As per the brief factual-matrix culminating in the filing of the instant appeal, the claimant filed a petition against the respondents, i.e the

driver and owner of the Motor-Cycle bearing registration No.DL-3S-AB-8733 (for short 'the offending vehicle'), for claiming compensation of Rs.8 (eight) lac, while averring that on 16.12.2009, she was returning to her house from Jharsa Road, Gurugram, after seeing her grandson off for his school. In the meantime, the offending vehicle came from Village Jharsa side and the same was being driven by respondent No.1 in a rash and negligent manner at a very high speed and it hit her and she had suffered multiple serious injuries in this accident.

3. Both the respondents filed their separate written-statements contesting the claim, as set-forth by the claimant in her petition, on various grounds. Then, the parties were put to the trial by framing the issues on 26.09.2012. After appreciating and evaluating the evidence as led by the parties on the record and hearing their learned counsel, the Tribunal passed the impugned Award holding the claimant and respondent No.1 equally liable for causing the above-said accident and granting compensation to the claimant, as already indicated in the opening para of this judgment.

4. I have heard learned counsel appearing for the appellant-claimant in the present appeal and have also perused the file carefully.

5. Learned counsel appearing for the claimant contends that the claimant had suffered grievous injuries, including the fracture on her left leg, in the afore-said accident and had undergone lot of pain and suffering and had also remained hospitalized due to the same but the Tribunal has not awarded adequate compensation to her on these counts and hence, she is entitled to the enhancement of the amount of compensation.

6. However, the above-raised contentions are devoid of any merit as the Tribunal has calculated the amount of compensation as Rs.1,14,200/- which consists of the sum of Rs.61,200/- towards the medical expenses, Rs.30,000/- for the pain and suffering undergone by the claimant due to the injuries as sustained by her and the amount of Rs.23,000/-, in total, on the scores of loss of income, transportation, nutritious-diet and the attendant's charges. As mentioned earlier, the Tribunal has observed that the claimant and respondent No.1 were equally responsible for the afore-said accident. Therefore, she (claimant) has been awarded 50% of the above-mentioned amount, i.e Rs.57,100/-, as compensation. It is pertinent to point it out here that the claimant has not led any evidence to show that she had suffered any disability, temporary or permanent, on account of the said injuries. In these circumstances, this Court is of the considered opinion that she has already been suitably compensated by the Tribunal and it being so, she has no occasion to ask for any further enhancement in the same.

7. As a sequel to the fore-going discussion, it follows that the impugned Award does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the appeal in hand, being *sans* any merit, stands dismissed.

January 27, 2023

pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No