

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO 2724/2016 (O&M)

Date of decision: 18.05.2023.

Amarjit Kaur

.....Appellant

Vs.

Surjit Singh and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ashish Pannu, Advocate for the appellant

Nidhi Gupta, J.

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,26,000/- granted by the Motor Accident Claims Tribunal, Ferozepur (hereinafter referred to as 'the Tribunal') vide Award dated 7.11.2015 passed in MACT Case No. RBT-5 of 2015 filed u/s 166 of the Motor Vehicles Act,1988 (hereinafter referred to as 'the Act')

2. Ld. Tribunal on the appraisal of facts, pleadings and evidence on record held that the appellant had been injured in a motor vehicular accident that took place on 2.8.2014 due to rash and negligent driving of Innova car bearing registration No. PB-10-BT-4111 (hereinafter referred to as 'the offending vehicle') being driven by respondent no.1, owned by respondent no.2 and insured by respondent no.3. The Tribunal awarded compensation as above along with interest @ 6% per annum from the date of

filing of the claim petition till realization. Liability to pay the compensation was joint and several.

3. Ld. counsel for the appellant seeks enhancement of compensation on the ground that Rs.1.26 lacs as awarded by the ld. Tribunal is very meager and therefore, it deserves to be enhanced. It is further submitted that the appellant had suffered severe injuries in the accident in question and he remained admitted in hospital from 2.8.2014 to 6.8.2014. It is submitted that thereafter appellant had undergone treatment as outdoor patient, yet Tribunal has granted only Rs.25,000/- for pain and suffering.

4. It is submitted that prior to the accident the appellant was doing work of stitching and knitting, however, as a result of injuries suffered by her she is unable to restart her work and has resultantly suffered heavy loss of income, therefore, she is entitled to Rs.50,000/- towards loss of income. It is submitted that the amounts granted under the other heads are also on the lower side and deserve to be enhanced.

5. No other argument has been raised.

6. Heard ld. counsel.

7. Perusal of the record of the case shows that the appellant was about 60 years of age at the time of accident. Though it was pleaded case of the appellant that she was doing the work of stitching and knitting and earning Rs.12,000/- to Rs.14,000/- per month from the said avocation, however, no evidence in this regard was produced by the appellant. Accordingly, ld. Tribunal took her to be household lady. The appellant had produced medical bills amounting to Rs.80623/- (rounded off to Rs.81,000/-) which were duly reimbursed by the ld. Tribunal. As regards injuries suffered, appellant had

suffered fracture of backside of pubis and was hospitalized for 5 days. As per her own deposition during cross-examination appellant had stated that she had not suffered any permanent disability. Appellant has produced no record to show that she has undergone any treatment thereafter. In this view of the matter, I find that the compensation granted as under by the Id. Tribunal is just and fair in the facts and circumstances of the case: -

Sr. No.	Head	Amount (in Rupees)
1	Medicine bills amount	Rs.81,000/-
2.	Pain and suffering	Rs.25,000/-
3.	Attendant charges during the period of hospitalization	Rs.5,000/-
4.	Special diet/ extra nourishment	Rs.5,000/-
5.	Domestic help	Rs.10,000/-
6.	Total	Rs.1,26,000/-

8. For the reasons stated above, finding no merit in this appeal the same is hereby dismissed.

9. Pending application(s), if any, stand disposed of.

18.05.2023.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No