

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

**FAO No. 1283 of 2017 (O&M)
DATE OF DECISION :- May 15, 2023**

Savita

...Appellant

Versus

Gurtej Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Ms. Ekta Thakur, Advocate for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No. 3-Insurance Company.

1. Briefly stated facts of the case are that on account of suffering injuries in a motor vehicular accident which took place on 25.1.2015 at about 7.30 P.M in the area of Barnala Bathinda main road, near Guru Nanak School, when petitioner-claimant along with one Margert and Raj Sunil Mumtaz was travelling in TATA Indigo Car No. CH01-AN-5642 being driven by Raj Sunil Mumtaz, then truck trailor No. PB03-R-9383 being driven in a rash and negligent manner by respondent No. 1 Gurtej Singh came from Bathinda side and while in the process of overtaking some vehicle, had hit the Car in which the claimant was travelling. After being hit, the Car had over turned and fell in ditches on the road side. All the occupants of the Car sustained injuries. Formal F.I.R with regard to the accident was registered against respondent No. 1. The petitioner-claimant had suffered multiple injuries and was hospitalized and remained in hospital

from 28.1.2015 to 16.2.2015. She had suffered permanent disability to the extent of 5% as per the disability certificate placed on record.

2. She had filed a claim petition against respondents i.e. Gurtej Singh, driver, Surinder Pal Singh, owner and The New India Assurance Company Limited, Chandigarh, insurer of the offending truck trailer.

3. According to the claimant she was aged about 32 years at the time of accident and was earning Rs.37,000/- per month. After suffering injuries she remained hospitalized and bed ridden for about 5 months, she had to take earned leave, she had spent Rs.50,000/- on her treatment. She had spent Rs.10,000/- on transportation from Bathinda and Patiala, spend Rs.200/- per visit for going to PGI and Rs.500/- per day towards attendant charges. The claim petition so filed before Motor Accident Claims Tribunal, Chandigarh was contested by the respondents however, vide a detailed Award dated 24.8.2016 the claim petition was allowed and compensation of Rs.2,53,232/- was awarded to the claimant payable by the respondents jointly and severally along with interest at the rate of 7.5% per annum from the date of filing of claim petition till actual realization.

4. Finding the compensation awarded by the Tribunal to be on lower side the claimant has approached this Court by way of filing an appeal notice of which as given to respondent No. 3 Insurance Company only since liability to pay the compensation was held to be joint and several of all the three respondents by the Tribunal. Such Insurance Company has appeared through counsel.

5. I have heard learned counsel for the appellant and learned counsel for the Insurance Company besides going through the record.

6. The Tribunal had awarded compensation as per details below :-

Sr. No.	Particulars	Amount
1.	Special Diet & attendant charges	Rs.1,81,000/-
2.	Transportation charges	Rs.10,000/-
3.	Pains and sufferings	Rs.30,000/-
4.	Loss of income	Rs.23,700/-
5.	Future loss of income	Rs.8532/-
	Total	Rs.2,53,232/-

7. I find that the compensation awarded under the Head pain and suffering is on the lower side. The same is enhanced to Rs.60,000/-. Similarly since she had suffered permanent disability to the extent of 5% with the result she will not be able to lead life as a normal human being and her life expectancy has also been affected. Another sum of Rs.30,000/- is awarded to the claimant under that Head. Therefore, the compensation awarded by the Tribunal is enhanced to Rs.60,000/- in addition to the amount awarded by the Tribunal. In that way the claimant is entitled to get total compensation of Rs.3,13,232/- (2,53,232+60,000). The claimant shall be entitled to recover this amount with interest at the rate of 7.5% per annum from the date of filing of claim petition till actual realization. The liability to pay this amount being joint and several.

8. The appeal is allowed with cost.

(H.S. MADAAN)
JUDGE

May 15, 2023
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No