

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

**FAO No. 2260 of 2017 (O&M)
DATE OF DECISION :- May 15, 2023**

Margert**...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 Savita and Raj Sunil Mumtaz was travelling in TATA Indigo Car No. CH01-AN-5642 being driven by Raj Sunil Mumtaz, then truck trailer 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 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.

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 59 years at the time of accident and was earning Rs.34,000/- per month. After suffering injuries she remained hospitalized from 26.1.2015 to 28.1.2015. She had spent Rs.50,000/- on her treatment. She had spent Rs.200/- per day for going to her office besides incurring expenses to consult doctor at Mohali. The claim petition so filed before Motor Accident Claims Tribunal, Chandigarh was contested by the respondents however, vide detailed Award dated 24.8.2016 the claim petition was allowed and compensation of Rs.7,10,000/- 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 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.4500/-
2.	Transportation charges	Rs.33,000/-
3.	Pains and sufferings	Rs.30,000/-
4.	Loss of income	Rs.8000/-
5.	Future loss of income	Rs.5,34,600/-
6.	Loss of amenities	Rs.1,00,000/-
	Total	Rs.7,10,100/-

7. The claimant has suffered 75% permanent disability which is on the vital part of the body which has been assessed to be 50% to the resolution with complete body. The normal activities of the claimant would have certainly been restricted and she would not be able to lead life of a normal human being. I find that the compensation so awarded by the Tribunal under the Head Special Diet and attendant charges is on very lower side. A person suffering from such type of injuries does require special diet to recover from the injuries to some extent and help and assistance of person is needed in moving around doing normal chores. Under that Head the amount awarded is enhanced to Rs.50,000/-. With regard to compensation awarded under the Head of pain and suffering to the tune of Rs.30,000/- that is on lower side. It is enhanced to Rs. 1 lakh. Similarly the amount awarded under the loss

of amenities is enhanced to Rs. 2 lakhs. Therefore, the additional compensation of Rs.2,15,500/- is awarded to the claimant.

8. In that way the claimant is entitled to get total compensation of Rs.9,25,600/- (7,10,100+2,15,500). 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.

9. The appeal is allowed with cost.

(H.S. MADAAN)
JUDGE

May 15, 2023

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No