

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-3388-2017 (O&M)
Date of decision: 28.02.2023

Ranjit Kaur

...Appellant(s)

Vs.

Roshan & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Govind Chauhan, Advocate for the appellant.

NIDHI GUPTA, J.

CM-11142-CII-2017

This is an application under Section 151 CPC for placing on record certified copy of impugned Award dated 21.07.2016.

After going through the contents of the application, the same is allowed subject to all just exceptions and certified copy of impugned Award dated 21.07.2016 is taken on record.

CM-11143-CII-2017

This is an application under Section 5 of the Limitation Act for condonation of delay of 8 days in filing the appeal.

After going through the contents of the application, the same is allowed subject to all just exceptions.

CM-11144-CII-2017

This is an application under Section 151 CPC for condonation of delay of 10 days in re-filing the appeal.

After going through the contents of the application, the same is allowed subject to all just exceptions.

MAIN CASE

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.91,200/- awarded by Motor Accident Claims Tribunal, Karnal (hereinafter referred to as “the learned Tribunal”) vide Award dated 21.07.2016 passed in MACT Case No.45 of 2015 filed under Sections 166 and 140 of the Motor Vehicles Act, 1988 (hereinafter referred to as “the Act”).

2. Learned Tribunal on the basis of pleadings and evidence placed before it concluded that appellant had received injuries in a motor vehicular accident that took place on 14.06.2014 due to rash and negligent driving of car bearing registration No.HP-17C-1192 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1/driver, owned by respondent No.2 and insured by respondent No.3. Learned Tribunal awarded compensation as noted above along with interest @ 9% per annum from the date of filing the petition till its actual realization. Respondents were held jointly and severally liable to pay the aforesaid compensation amount.

3. Learned counsel for the appellant seeks enhancement of compensation inter alia on the ground;

a) that appellant had suffered multiple grievous injuries.

However, nothing has been granted towards future treatment;

b) that even amounts granted under other heads are on lower side.

4. No other argument is made on behalf of the appellant.

5. I have heard learned counsel for the appellant.

6. Perusal of impugned Award shows;

a) that admittedly, the sole injury suffered by the appellant was fracture of upper end of right humerus. As a result of this, the appellant remained hospitalized in General Hospital, Karnal from 16.06.2014 to 24.06.2014. However, admittedly, the appellant failed to produce any bill/receipt/cash memo as proof for purchase of medicine. Accordingly, learned Tribunal awarded Rs.10,000/- as compensation towards hospital charges and medical expenses;

b) Learned Tribunal granted Rs.5,000/- towards transportation;

c) Though it was not proven on record that appellant required an attendant and it was only stated on her behalf that she was paying Rs.4,000/- per month to maid servant yet, the learned Tribunal has awarded Rs.10,000/- towards attendant charges;

d) Rs.10,000/- was granted towards diet and nutrition;

e) As it was proven that the appellant had a diploma in tailoring and was doing tailoring/stitching work in the house, learned Tribunal granted Rs.16,200/- towards loss of income;

f) As per disability certificate (Exhibit P2), disability of the appellant was assessed as 15% only. Accordingly, since compensation towards disability is at the rate of Rs.2,000/- per percent of disability, learned Tribunal awarded Rs.30,000/- for permanent disability;

g) Rs.10,000/- was granted towards pain and suffering;

h) Accordingly, total compensation as awarded comes to Rs.91,200/-;

i) In Para 14 of the impugned Award, learned Tribunal has categorically noticed that no evidence has been led by the appellant to prove that any future treatment was required by her qua the injuries suffered by her in the accident in question.

7. Learned counsel for the appellant is unable to dispute these factual findings.

8. Accordingly, I find no merit in the present appeal and the same is hereby **dismissed**.

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

28.02.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No