

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**983-1****FAO No.5382 of 2010****Date of Decision : 01.04.2024**

Gunjan

....Appellant

VERSUS

Ghansham and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as the 'Tribunal') vide award dated 03.04.2010.

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being adverted to for the sake of brevity.

3. In the present case the present claimant-appellant and her husband, who were travelling on a motorcycle bearing registration No. CH-03-Q-8124, met with an accident with a Matador bearing registration No.HR-37-4233 which resulted in the death of husband of the claimant-appellant and injuries to her. The Tribunal awarded a consolidated amount of Rs.4,000/- for the injuries suffered by the claimant-appellant herein.

Aggrieved by the same the present appeal has been preferred.

4. Learned counsel for the claimant-appellant would contend that it is proved on the record that the claimant-appellant had suffered a fracture on her right arm as well as she had suffered a head injury and she was taken to GMCH, Sector 32, Chandigarh where she remained admitted from 24.02.2007 till 02.03.2007. During the said period she was operated upon and a steel rod and plate was inserted in her arm. Learned counsel for the claimant-appellant would further contend that the claimant-appellant also remained in shock having lost her husband in the same accident.

5. *Per contra* learned counsel for the Insurance Company would contend that sufficient amount of compensation has already been awarded to the claimant-appellant and there is no scope of any further enhancement.

6. I have heard learned counsel for the parties.

7. In the present case, both the husband and wife were involved in the motor vehicle accident resulting in the death of the husband. The wife i.e. the claimant-appellant herein suffered a head injury as well as fracture on her right arm for which she was operated upon and a rod was inserted. The hospital bills were duly proved and the amount was assessed by the Tribunal as Rs.700/- towards treatment. However, only a consolidated amount of Rs.4,000/- has been granted for the injuries suffered by the claimant-appellant. The claimant-appellant, who is a house-maker, would have had to take the help of someone to even do the basic chores in her house since her right arm was fractured. The normal period for healing of a fracture is about six weeks and hence this Court deems it appropriate to award attendant charges for a period of six weeks to the claimant-appellant and hence attendant charges are awarded for six weeks @ Rs.4,000/- per month, which was the minimum wage at the relevant time, which comes to Rs.5,600/-.

The amount of Rs.700/- as has already been awarded towards the bill produced by the claimant-appellant is maintained. However, the amount awarded under the head ‘pain and suffering’ is on the lower side. This Court deems it appropriate to award an amount of Rs.50,000/- towards pain and suffering suffered by the claimant-appellant. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Medical Bills as allowed by the Tribunal	Rs.700/-
2	Pain and suffering	Rs.50,000/-
3	Attendant charges for 06 weeks	Rs.5,600/-
	Total Compensation	Rs.56,300/-

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.
9. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

01.04.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO