



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

FAO-1086-1995 (O&M)
Date of decision : 20.03.2025

NARINDER KAUR

....Appellant

Versus

BAJRANG SINGH AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Surinder Mohan Sharma, Advocate for the appellant.

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

PANKAJ JAIN, J. (ORAL)

CM-5104-CII of 2025

This is an application filed under Order XXII Rule 3 CPC for bringing on record the legal heirs of deceased Narinder Kaur/appellant, who is stated to have expired on 11.10.2024.

As per the averments made in Paras No.2 and 3 of the application, deceased/appellant Narinder Kaur is survived by her two sons, who have been detailed out in Para No.2 of the application. Apart from them, there is no other surviving legal heir of the deceased. Death certificate of the deceased/appellant has been placed on record as Annexure A/1. Application is supported by affidavit.

In view of above, the instant application is allowed subject to all just exceptions. Legal heirs of the petitioner/appellant as detailed out in Para



No.2 of the application, are ordered to be impleaded in the array of parties.

Amended memo of parties is taken on record.

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Claimant is in appeal seeking modification of the award dated 07.11.1994 passed by the Motor Accident Claims Tribunal, Ambala (for short, 'the Tribunal').

2. Claimant filed petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of injuries sustained in a motor vehicular accident dated 09.04.1992.

3. As per the claim petition, on 09.04.1992, claimant was travelling in bus bearing No.HYX-4911. At about 3.45 PM, the bus met with an accident near Baldev Nagar Camp, Ambala with a tanker bearing registration No.DEG-8311, which was being driven at a very high speed by respondent No.1-Bajran Singh in a rash and negligent manner. It was claimed that due to rash and negligent driving of both the drivers i.e. driver of bus as well as tanker, the accident took place. Resultantly, the claimant received multiple injuries and lost her six teeth.

4. It has been claimed that appellant/claimant was manufacturing artificial garland and was earning Rs.2200/- per month. As per claim petition, she remained under treatment and spent a sum of Rs.12,000/- on her treatment. She claims that on account of injuries, she could not work for a period of six months and suffered huge loss.



5. On the basis of the pleadings of the parties, the following issues were framed by the Tribunal:

1. Whether the accident in question had taken place due to the composite negligence of the drivers of the bus No.HYX-4911 and tanker No. DEG-8311 resulting into the causing of the injuries to the petitioner as alleged? OPP.
2. Whether the petitioner is entitled to any compensation amount, if so, how much and from whom? OPP.
3. Whether the driver of the tanker in question was not holding a valid driving licence, as alleged, if so to what effect? OPR-3.
4. Whether the respondent No.3 is not liable to pay any compensation amount in view of the other additional objections raised in its written statement? OPR-3
5. Relief.

6. Since the finding recorded w.r.t. accident and the injuries suffered by the claimant is not in dispute, the subject matter of the present appeal is limited to the compensation awarded by the Tribunal i.e. Issue No.2.

7. Ld. Counsel for the appellant claims that Tribunal has awarded a meagre sum of Rs.40,000/- only. The appellant lost her six teeth. She could not chew properly. Her face also got impaired. She seeks enhancement of the compensation.

8. I have heard Ld. Counsel for the parties and with their able assistance have carefully perused the records of the case.

9. There is no dispute w.r.t. income of the appellant. The injuries suffered by the appellant on her face and loss of teeth stand proved. The



appellant is held entitled to Rs.25,000/- instead of Rs.6000/- under the head of pain and & suffering and mental agony. Amount of Rs.5000/- has been rightly granted on actual basis under the head of medicines and treatment. Compensation for loss of 6 teeth is enhanced from Rs.20,000/- to Rs.60,000/-. Likewise, compensation for loss of enjoyment granted @ Rs.3000/- is enhanced to Rs.25,000/-. The appellant is further held entitled for interest to be calculated @ 9% per annum from the date of filing of the claim petition till its actual realization.

10. As a sequel of the aforesaid discussion, the present appeal is disposed off. The Award stands modified to the extent as stated herein above.

11. The LR's of the appellant shall be entitled to compensation in equal share.

12. Needless to say that any amount already paid to the claimant/ appellant shall be set off.

13. Ordered accordingly.

March 20, 2025

(Pankaj Jain)
Judge

Dpr

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No