



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

FAO No.4178 of 2009(O&M)

Date of Order:04.04.2025

Parveen Rani

.Appellant

Versus

Baljinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Rishabh Gupta, Advocate,
for the appellant.**

**Mr. Vinod Gupta, Advocate
for the respondent-Insurance Co.**

ANIL KSHETARPAL, JUDGE (Oral)

1. This is the claimant's appeal for modification of the award passed by the Motor Accident Claims Tribunal (hereinafter referred to as 'the Tribunal').

2. She has been awarded Rs.1,56,550/- on account of injuries suffered by her in a motor vehicular accident. There is no dispute with respect to the correctness of the findings of the Tribunal about the accident, involvement of the vehicle and rash and negligent driving of Car No.HR-24H-0437. The accident took place on 31.01.2006. At the time of accident, she was 38 years old. She suffered multiple injuries.

3. As per AW3-Dr. H.S.Bakshi, she was admitted in hospital on account of non-union of fracture femur with shortening with foot drop left with contractures ankle on 29.06.2006. She also received head injuries. Her total period of hospitalization is 50 days.

4. The Tribunal has held that the appellant is entitled to

Rs.10,550/- towards medical bills, Rs.50,000/- towards medicines, conveyance, attendant, paid and suffering. Whereas, on account of permanent disability, she has been awarded Rs.96,000/-.

5. It is evident that the Tribunal has assessed her income @ Rs.2,000/- per month. The accident took place in the year 2006. She is a home maker. Though, her services are invaluable, however, her income should have been assessed @ Rs.3000/- per month.

6. She suffered permanent disability of 42%. Looking at the nature of injuries particularly non-union of fracture femur with shortening with foot drop left with contractures ankle, her functional disability is assessed at 30%. Hence, the loss of income is Rs.900/- per month. She was below 40 years. Hence 40% addition is required to be made on account of increase in income in future. Hence, the loss of income per month comes to Rs.360/-. The total loss of income comes to Rs.1260/- per month. She is entitled to multiple of 15. Hence, the total income comes to Rs.2,26,800/-.

7. She is required to be granted some amount for future medical expenses which is assessed @ Rs.50,000/-. She has already been awarded Rs.10,550/- towards medical reimbursement of medical expenses. On account of pain and suffering, the amount of Rs.50,000/- has been awarded. Hence, the total comes to Rs.2,76,800/-.

8. Hence, the amount of compensation is re-worked as under:-

<i>Heads</i>	<i>Compensation awarded by MACT</i>	<i>Compensation awarded by High Court</i>
Income	Rs.2,000/- per month	Rs.3,000/- per month
Loss of Income	Rs.800/- per month	Rs.1260/- per month
Multiplier	10	15
Total income	Rs.96,000/-	Rs.2,26,800/-
Medical Expenses	Rs.10,550/-	--

Future Medical Expenses	--	Rs.50,000/-
Misc.	Rs.50,000/-	--
Total compensation	1,56,550-00	2,76,800-00

Compensation Awarded by the High Court :Rs.2,76,800/-

(-) Compensation Awarded by the MACT :Rs.1,56,550/-

Enhanced Compensation :Rs.1,20,250/-

9. With these modifications, the appeal is disposed of.
10. The enhanced amount i.e. Rs.1,20,250/- shall carry interest @9% from the date of filing of the claim petition till its realization.
11. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

April 04, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No