

**Ram Sati Vs. Deepak Sharma and Others**

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**Court :** Punjab and Haryana

**Decided On :** Jan-15-2014

**Appellant :** Ram Sati

**Respondent :** Deepak Sharma and Others

**Judgement :**

FAO-5804-2012 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH FAO-5804-2012 Date of decision:

15. 1.2014 Ram Sati ...Appellant Versus Deepak Sharma and others ...Respondents CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN Present: None for the appellant Mr.Gopal Sharma, Advocate for respondent Nos. 1 and 2 Mr.Nitin Mittal, Advocate for Mr.Subhash Goyal, Advocate for respondent No.3- Insurance Company \*\*\*\* Jitendra Chauhan, J.

1. The present appeal has been filed by the claimant-appellants, seeking enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Chandigarh (for short 'the Tribunal'), vide award dated 21.7.2012, on account of the injuries suffered by her in a motor vehicular accident.

2. In the grounds of appeal, it has been averred that the appellant was operated twice. She suffered disability to the extent of 25%. The amount awarded by the learned Tribunal is not adequate.

3. On the other hand, the learned counsel for the respondents submits that the compensation awarded by the learned Tribunal is just and adequate. Therefore, the present appeal deserves to be dismissed. Shanker Gauri 2014.01.20 17:09 I attest to the accuracy and integrity of this document High Court Chandigarh FAO-5804-2012 2 4. I have heard the learned counsel for the parties and perused the record carefully.

5. It is not disputed that the appellant suffered multiple injuries. As per Ex.P54, she suffered temporary disability to the extent of 25%, qua left lower limb with restriction of ankle movements. The learned tribunal awarded a sum of Rs.50,000/- towards disability, Rs.37,984/- on account medical expenses and Rs.40,000/- pain and suffering, special diet and attendant. The appellant remained hospitalised for a long period. She was operated twice. As per medical opinion, she is having problem in squatting and sitting cross legged and unable to perform her house hold work. Therefore, the amount awarded towards disability and pain and suffering, special diet and attendant is on the lower side. This Court feels that the ends of justice would be met, if a lump sum amount of Rs.50,000/- is enhanced towards all heads. Ordered accordingly.

6. Accordingly, the enhanced amount i.e. 50,000/- shall be paid to the claimant-appellant, within 45 days from the date of the receipt of the certified copy of the judgment, failing which, the appellant shall be entitled to get interest @ 8% per annum from the date of the filing of the appeal till its realisation.

7. In view of the above, the present appeal is partly allowed and the impugned Award is modified to the above extent. 15.1.2014 (JITENDRA CHAUHAN) gsv JUDGE Shanker Gauri 2014.01.20 17:09 I attest to the accuracy and integrity of this document High Court Chandigarh

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