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

**FAO-865-1994 (O&M)
Reserved on 25.10.2024
Pronounced on : 16.01.2025**

The New India Assurance Co., Ltd,Appellant

Versus

Sushma Sharma & ors.Respondents

FAO-762-1994 (O&M)

Sushma SharmaAppellant

Versus

Kehar Singh & ors.Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Brij Bhushan Sharma, Advocate for
Mr. Deepak Suri, Advocate
for the appellant-Ins. Co. (FAO-865-1994)

None for the appellant/claimant (FAO-762-1994).

Mr. Neeraj Goel, Advocate
for respondent No.2-FAO-762-1994 &
for respondent No.3-FAO-865-1994.

PANKAJ JAIN, J.

1 These two appeals are directed against the same award.

2 FAO No.865 of 1994 is at the behest of Insurer and FAO
No.762 of 1994 is at the best of the claimant. The claimant seeks

enhancement of compensation. The insurer has disputed his liability and has impugned the findings recorded by the Tribunal with respect to validity of driving licence of the offending vehicle.

3 So far as the appeal filed by the insurance company is concerned, learned counsel appearing for the appellant does not dispute that apart from communication Ex. R-2 dated 25.08.1993 there is no evidence to dispute the driving licence. Though insurance company made an effort to summon the record of Regional Transport Officer, Cuttack but none appeared. So far as Ex. R-2 is concerned the same was issued by Regional Transport Officer, Cuttack claiming that the same was not issued from the said office whereas the licence Ex.R-1 was issued by Motor Licensing Authority, Cuttack. Apart from the aforesaid evidence, there was no evidence brought on record by the appellant-insurance company.

4 In view of above, this Court does not find any merit in the appeal in the absence of any cogent evidence to dislodge the findings recorded by the Tribunal. Resultantly, the appeal preferred by the Insurance Company bearing *FAO No.865 of 1994* is ordered to be dismissed.

5 Claimant-appellant in **FAO No.762 of 1194** was a young girl of 26 years of age working as a Lecturer at the time of accident on 20.07.1991. She suffered injuries on the right hand and right leg. She lost 4 teeth. There was fracture in the right leg, right hand and upper jaw. Though 3 teeth were artificially fixed but one tooth which was uprooted could not be fixed. Injuries suffered by the appellant having fully proved by testimony of PW-3 Dr.S.K.Moda, Head of the Department of Orthopedics, Medical College & Hospital Rohtak. She remained hospitalized for 21 days and was discharged on

10.08.1991. She remained under treatment thereafter till 11.01.1992. The fracture got healed but in a malunited position which led to permanent disability of 10%. Tribunal while granting compensation awarded a sum of Rs.16,000/- under the head of medical expenses and costs of medicine which is on actual basis. Rs.3,000/- was awarded for special diet and transportation. Rs.20,000/- was awarded for pain, suffering and loss of amenities etc. A sum of Rs.10,000/- has been awarded for 10% disability suffered by her. Rs.12,000/- have been awarded for loss of earnings. In total she has been held entitled for Rs.64,000/-.

6 In the considered opinion of this Court, the compensation needs to be enhanced. Claimant remained confined to bed for about six months as held by Tribunal in para 19. She remained admitted in hospital for 21 days. She has suffered permanent disability to the extent of 10%.

7 Considering the aforesaid facts, this Court finds that sum of Rs.16,000/- granted under the head of medical expenses on actual basis needs no modification. Keeping in view that she remained confined to bed for six months she is awarded an amount of Rs.25,000/- for special diet and Rs.25,000/- for attendant charges. For pain and suffering she is entitled for an amount of Rs.50,000/-. She is awarded Rs.50,000/- for loss of amenities and enjoyment of life. She is further entitled for Rs.50,000/- for loss of marriage prospects. She remained without pay for 90 days, Tribunal rightly granted Rs.12,000/- as loss of earnings. The amount of Rs.10,000/- awarded for suffering 10% disability is also too meager. Claimant was working as a Lecturer in Girls Degree College on a monthly wages of Rs.4,000/-. Applying multiplier method 40% needs to be added on account of future prospects.

Keeping in view ratio of law laid down in *Sarla Verma Vs. Delhi Transport Corporation, 2009(3) RCR (Civil) 569* multiplier of 17 needs to be applied. Accordingly she will be entitled for the 10% of the aforesaid amount. Rs.5,000/- is granted under the head of transportation.

8 With the aforesaid modification, appeal bearing *FAO No.762 of 1994* is disposed off.

9 A photocopy of this order be placed on the file of the connected case.

16.01.2025

Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No