

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

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**FAO-1643-2015 (O&M)****Date of Decision : 02.04.2025**

Pooja Goyal

....Appellant

VERSUS

Punjab State and Others

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Ravish Bansal, Advocate for the appellant.

Mr. Pawan Kumar, DAG Punjab for respondent Nos.1 and 2.

Mr. Rajesh Bhatheja, Advocate for respondent No.3.

**ALKA SARIN, J. (Oral)**

1. Present appeal has been preferred by the claimant-appellant challenging award dated 05.11.2014 passed by the Motor Accident Claims Tribunal, Faridkot (hereinafter referred to as the 'Tribunal').

2. In the accident, which took place on 27.12.2012, the claimant-appellant alongwith her husband, namely, Amit Goyal and minor son Mehul was travelling in the Ritz car bearing registration No.PB-04N-0525, which was being driven by Amit Goyal, when they met with an accident. As a result of the accident, the husband of the claimant-appellant received grievous injuries and later succumbed to the same. The claimant-appellant and her minor son received multiple injuries. Present claim petition has been filed by the claimant-appellant qua the injuries received by her in the accident.

3. Learned counsel for the claimant-appellant would contend that the Tribunal though has awarded the amount qua the bills, which have been produced, however, in addition only an amount of ₹40,000/- has been awarded for pain and suffering. It is further the contention that the claimant-appellant lost her husband in the same accident and she and her minor son suffered injuries. The claimant-appellant remained admitted in Medanta Hospital, Gurugram on two occasions, first from 28.12.2012 to 01.01.2013 and then from 12.01.2013 to 15.01.2013. Learned counsel for the claimant-appellant has further contended that the amount awarded under the head pain and suffering is on the lower side inasmuch the claimant-appellant had undergone multiple procedures. No amount has been awarded towards attendant charges, special diet and transportation.

4. *Per contra* learned counsel for the respondents would contend that sufficient amount has already been awarded and there is no scope for any further enhancement.

5. Heard.

6. In the present case, unfortunately the husband of the claimant-appellant died in the same very accident and the claimant-appellant and her minor son also received injuries. As per first discharge summary (Ex.A4), under the head 'Course in Hospital' it has been stated as under :

*"Mrs. Goyal was admitted here with above said history under Neurosurgery Team. CT head revealed large extracalvarial scalp hematoma in the right frontotemporoparietal region. No intracranial bleed. CT*

*paranasal sinuses and face showed no fracture through the facial bones. A 6 mm linear (possibly glass) foreign body within the right cheek, approximately 4 mm deep to the skin surface, along with a tiny 1 mm radiopaque density within the epidermis, slightly superior to this. CT cervical spine revealed type III fracture of C2 which is extending into left lateral mass and further into its articulation with C1 with minimal anterior translation of dens over body of C2 - suggestive of an unstable injury. After PAC clearance and informed consent she underwent Anterior cervical approach and odontoid screw fixation on 29.12.2012. She tolerated the procedure well. Plastic surgery team was consulted for facial lacerations and managed accordingly. 3D CT reconstruction only, CT PNS/FACE/ORBITS (PLAIN), MOB USG WHOLE ABDOMEN and CT SPINE (PLAIN) CERVICAL were done. Ophthalmology consultation was sought and advice followed accordingly. Now, she is being discharged on following medications.”*

7. The second discharge summary (Ex.A16) explains the procedure undergone by the claimant-appellant as under :

*“DRAINAGE OF HAEMATOMA AND SECONDARY SUTURING OF FACIAL LACERATION UNDER GA ON 12-1-13 DETAILS-after administration of GA painting and draping done. Incision placed behind the frontal hairline on rt side after infiltration of haemostatic solution. Incision deepened to evacuate 300ml of haematoma and after securing haemostasis wound closed in layers by 3-0 vicryl for dermis and skin by 4-0 continuous rapid vicryl sutures over aromovac drain. The*

*old laceration on rt cheek debrided and secondary closure done by 5-0 interrupted monocryl dermal sutures. Dressing done. Pt shifted out after completion of procedure.”*

8. The third discharge summary (Ex.A23) describes the procedure as under :

*“Proper time out carried; patient intubated after giving GA with patient in supine position; previously placed stitches removed and hematoma cavity explored; approximately 50 cc of clot and altered blood came out from the cavity; p through wash given; no evidence of fresh bleed and no active bleeder found; cavity flushed with betadine and hydrogen peroxide solution and again with normal saline; returning fluid found to be clear; A suction drain placed through a new site; previous drain site closed with mattress sutures; suture line closed with 3/0 prolene.”*

9. The Tribunal had awarded an amount of ₹4,03,134/- towards medical expenses and in addition an amount of ₹40,000/- towards pain and suffering.

10. A perusal of the portions of discharge summaries, as reproduced above, clearly reveals that various procedures were undergone by the claimant-appellant who had suffered hematoma in the right frontoparietal region. She also suffered a type III fracture of C2. She remained admitted in hospital and underwent extensive procedures. Keeping in view the trauma suffered by her, the amount awarded by the Tribunal towards pain and suffering is on the lower side and the same is accordingly

enhanced to ₹2,00,000/-. No amount has been awarded towards attendant charges. The claimant-appellant, who suffered a hematoma in the right frontoparietal region as well as a fracture of the spine at the C2 level, would be entitled to attendant charges at least for one month. Accordingly, this Court deems it appropriate to award attendant charges to the claimant-appellant as per the minimum wages payable to a skilled workman in the State of Punjab at the time of the accident, which were ₹6,877/- per month. The Tribunal has not awarded any amount towards transportation. The claimant-appellant was getting her treatment from Medanta Hospital, Gurugram and had to travel from Faridkot to Gurugram for the same. This Court deems it appropriate to award an amount of ₹50,000/- towards transportation charges. No amount has been awarded towards special diet. This Court deems it appropriate to award ₹30,000/- towards special diet. The amount of ₹4,03,134/- awarded by the Tribunal towards medical bills is maintained. Accordingly, the reworked compensation is as under :

<b>Sr. No.</b>	<b>Heads</b>	<b>Compensation Awarded</b>
1	Pain and suffering	₹2,00,000/-
2	Attendant charges for one month	₹6,877/-
3	Transportation charges	₹50,000/-
4	Special Diet	₹30,000/-
5	Medical expenses as awarded by the Tribunal	₹4,03,134/-
	<b>Total Compensation</b>	<b>₹6,90,011/-</b>

11. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 9% per annum from the

date of filing of the claim petition till the realization of the entire amount.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : Civil Appeal No.4299 of 2025 arising out of SLP (C) No.4484 of 2020 decided on 18.03.2025]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account of the claimant-appellant within six weeks from today. The particulars of the bank account alongwith the requisite documents in support thereof shall be furnished by the claimant-appellant to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

13. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands disposed off accordingly. Pending applications, if any, also stand disposed off.

02.04.2025

jk

( ALKA SARIN )  
JUDGE

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