
(2008) 12 P&H CK 0091
In the Punjab And Haryana At Chandigarh

Pushpa Rani

APPELLANT

Vs

Dyal Singh and Others

RESPONDENT

Date of Decision : 24-12-2008

Acts Referred:

Citation : (2009) 153 PLR 172 : (2009) 3 RCR(Civil) 663

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Judgement

K. Kannan, J.—The person injured in a motor accident was awarded with a compensation of Rs. 28,240/- against the Insurance Company on proof of rash and negligent driving of the first respondent (driver). The petitioner seeks for enhancement of compensation in the above appeal.

2. Since decisive finding on the nature of accident and the liability of the Insurance Company have been already rendered, the only issue for consideration is whether the appellant has proved her entitlement to the enhanced claim for the nature of injuries sustained by her. The Tribunal has considered the fact that although the petitioner (PW-5) had stated that she had remained admitted in the hospital for a long time and at that time Rs. 2,00,000/- had been spent on her treatment, it ultimately found the fact of hospitalisation between 23.3.2002 and 7.4.2002 as in patient had been proved through examination of PW-8. The Tribunal found that they had been no permanent disability, but however, it took note of the fact that by the examination of PW-1 Kailash Nath, it was evident that an operation had been performed and clots of blood were evacuated. Although the doctor himself had not been examined the medicines purchased by her had been proved through Ex.PW-1/1, Ex.PW-1/2, Ex.PW-4/1 and Ex.PW-4/2, for 14 days of treatment as in patient at the hospital and for the surgery undertaken on her, the Tribunal computed the value of the medical bills at Rs. 1,236/- and rounded off to Rs. 1,240/-. The petitioner's contention was that she had not produced all the bills. She has stated she incurred medical expenses of more than Rs. 2,00,000/-. Having regard to the fact that she was in patient for a

period of 2 weeks, I estimate the medical expenses at least Rs. 20,000/-. She had given evidence to the effect that she used to earn Rs. 10,000/- per month in milk vending business. Having regard to the fact that there was no proof, the Tribunal still found that housewife has to render multifarious household duties and hence estimated the value of services lost at Rs. 5,000/-. The claim has been considered also under the heads of special diet estimated at Rs. 5,000/-, attendant charges at Rs. 2,000/- and pain and suffering at Rs. 15,000/-. The Tribunal's assessment of all the heads of claim some appropriate, except for the provision for medical expenses which is unrealistically low by the only fact of the petitioner has not been able to produce all the medical bills. As against Rs. 1,240/- awarded by the Tribunal I award Rs. 20,000/- and on such basis the petitioner-appellant would be entitled to Rs. 18,760/- more.

3. The appeal is partly allowed enhancing the claim by a further amount of Rs. 18,760/- with interest at the rate of 7.5% from the date of accident till the date of payment. The appeal is partly allowed on the above terms.