

**HIGH COURT OF JAMMU AND KASHMIR**  
AT JAMMU

CIMA No. 267/2008

Date of order:-28/01/2017

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Savita.	v.	Nazir Ahmed Bhat and ors.
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**Coram:**

**Hon'ble Mr. Justice Ramalingam Sudhakar, Judge**

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**Appearing counsel:**

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For the Appellant(s) :	Mr. R.P.Sangra, Advocate.
For the respondent(s) :	Mr. H.C.Jalmeria, Advocate for R-1.
	Mr. D.S.Chauhan, Advocate for R-4.

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i)	Whether approved for reporting in NET.	Yes.
ii)	Whether approved for reporting Digest/Journal.	No.

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1. Appeal is of the year 2008.

2. It is a case of injury.

3. Claimant has filed the instant appeal seeking enhancement of award dated 17.09.2008 passed by the Motor Accidents Claims Tribunal, Jammu.

2. Accident in this case happened on 05.02.2003. The claimant-Savita daughter of Angrez Singh is thirteen years old at the time of accident. She was studying in 7<sup>th</sup> Class. She was standing on the road side and was run over and hit by a Truck bearing registration No. JK13-1672 insured with the Insurance Company. In that accident, claimant suffered grievous injuries and she was hospitalized in Shri Acharya Chandra Hospital, Sidhara, Jammu. The Medical Board assessed the medical disability of the claimant at 10%.

3. The Tribunal, based on the evidence, awarded the following compensation along with 7.5% interest per annum from the date of filing of claim petition till liquidation except on loss of future income:-

1. For loss of earnings.	Rs. 24,000/-
2. For pain and suffering.	Rs. 25,000/-
3. For loss of amenities in life.	Rs. 30,000/-
Total	Rs.79,000/-

6. The claimant seeks enhancement of compensation, saying that meager amount has been granted on account of loss of pain and sufferings and no amount has been granted for medical expenses, attendant charges, extra nutrition and Transport expenses. Therefore, the award should be enhanced.

7. Mr. Chauhan appearing for the Insurance Company pleads that no evidence to support the medical expenses has been let in.

8. Be that as it may, the claimant will be entitled to compensation under the other heads which the Tribunal has omitted. Considering the young age of the girl, injuries which led to surgical procedure which has affected the marital prospectus, the claimant will also be entitled to the following compensation under the heads extra nutrition, attendant charges, transportation charges and for Physiotherapy, to recoup herself.

9. In modification of the award of the Tribunal, the claimant is entitled to compensation as under:-

1. For loss of earnings.	Rs. 24,000/-
2. For pain and suffering.	Rs. 35,000/-
3. For loss of amenities in life.	Rs. 30,000/-
4. For extra nutrition.	Rs. 15,000/-
5. For Transport charges.	Rs. 10,000/-
6. For Physiotherapy	Rs. 10,000/-
7. For attendant charges.	Rs. 15,000/-
8. For loss of marital prospectus.	Rs. 20,000/-
9. Total.	Rs. 1,59,000/-

9. The excess amount now awarded shall bear interest at the rate of 7% per annum.

10. The appeal is allowed by enhancing the award to the extent indicated above. The Insurance Company is directed to deposit the amount within a period of eight weeks. On deposit, the claimant can withdraw the same.

**(Ramalingam Sudhakar)**  
**Judge**

**Jammu**  
**28.01.2017 :**

Tilak, Secy.



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