

(2003) 07 P&H CK 0061

High Court Of Punjab And Haryana At Chandigarh

Case No: First Appeal Order No. 568 of 1994

Shri Keval Mehra

APPELLANT

Vs

Shri Jai Paul Singh and Others

RESPONDENT

Date of Decision: July 11, 2003

Acts Referred:

- Motor Vehicles Act, 1988 - Section 166

Citation: (2004) 1 ACC 411 : (2004) ACJ 680 : (2003) 135 PLR 714

Hon'ble Judges: Viney Mittal, J

Bench: Single Bench

Advocate: R.N. Raina, Sanjiv Pabbi and M.B. Singh, for the Appellant;

Final Decision: Allowed

Judgement

Viney Mittal, J.

This order shall dispose of FAOs No. 568, 569, 570, 571 and 875 of 1994 as all these appeals have been arisen out of a common award passed by the learned Motor Accidents Claims Tribunal (hereinafter referred to as the "Tribunal"), Ropar.

2. On May 28, 1990 Sarabjit Singh deceased had gone to Ropar in Car No. PBR-9110. When he was returning to Mohali in his car, Jasbir Singh Assistant Excise and Taxation Commissioner, Ropar, Kewal Mehra, Taxation Inspector, Mohali, Sushma Kumari and Jaswinderjit Kaur, Excise and Taxation Officer were also going from Ropar to Mohali in Government Vehicle. On the way at about 7 kilometers from Ropar, the said Government vehicle went out of order. Kewal Mehra signalled car No. PBR-9110 to stop. Sarabjit Singh knew Kewal Mehra. Accordingly, he stopped the car. All the aforesaid persons boarded the car for going to Mohali. The claimants have maintained that the car was being driven slowly and on left hand side of the road. At about 4.30 p.m. when the car reached 3 kilometres ahead of Kurali towards Mohali, a truck No. PBG-1417 came at a fast speed from behind and its front portion struck the back of the car. The truck driver was stated to be very rash and negligent

in his driving. He did not observe the traffic rules. A bus No. CHW-7940 was stated to be coming from the opposite side and in a fast speed. The driver of the bus drove the bus on the wrong side and the front portion of the bus struck the front portion of the car. The bus dragged the car towards its left side. Both the truck driver and the bus driver were negligent in causing the accident with the car. It is claimed that there was no negligence of the driver of the car. All the occupants of the car received injuries. Sarabjit Singh driver of the car died immediately after the receipt of the injuries. On that basis, the claimants filed the claim petitions claiming compensation.

3. Jai Paul Singh, respondent No. 1 is the driver of the truck. Vijay Kumar Aggarwal, respondent No. 2 is the owner of the truck. The truck was insured with United India Insurance Company-respondent No. 3. Chandigarh Transport Undertaking is respondent No. 4 and Chandigarh Administration, Union Territory, Chandigarh has been arrayed as respondent No. 5 as owner of the bus No. CHW-7940. Kishori Lal respondent No. 6 is the driver of the bus.

4. The claim petitions filed by the claimants were contested by the respondents. Separate written statements were filed.

5. Respondents No. 1 and 2 filed a joint written statement. They claimed that on May 28, 1990 Sarabjit Singh deceased along with other claimants was returning in his car from Ropar to Mohali. Sarabjit Singh was driving the car rashly and negligently and when the car reached near village Chanalon, the car driver over took a truck ahead of it and in the process of overtaking, the car struck into the back side of that truck. The driver of the car fell out of the car. The car went out of control and struck into the CTU bus coming from the opposite side. On that basis, the respondents have claimed that the accident took place due to rash and negligent driving of the car driver. Respondent No. 3-Insurance company which insured the truck had also contested the claim of the claimants by taking similar pleas.

6. In a separate written statement filed by respondents No. 4 and 5, they also claimed that the accident had not taken place due to any fault of Kishori Lal driver of bus No. CHW-7940. It was claimed that the bus was on route from Chandigarh to Una and when it reached two miles short of Kurali at about 4.30 p.m., the said car came from the opposite side. Kishori Lal, driver of the bus was driving the bus slowly and cautiously and the said truck came from behind the car. It was at a fast speed. The car driver applied brakes. The truck hit the back of the car from behind. Due to jerk, the door of the car opened and the driver fell down on the road. The car went out of control. It hit the right side front bumper of the bus. The truck driver after hitting the car sped away the truck from the place of accident. The accident had taken place due to the fault of Jai Paul Singh, who was driver of the truck.

7. On the basis of the evidence led by the parties, the learned Tribunal came to the conclusion that the accident in question had taken place due to rash and negligent

driving of both the drivers of the truck and of the bus. The liability was apportioned at 50:50. With regard to the quantum of compensation awarded to the various claimants, the learned Tribunal awarded Rs. 1,64,600/- to the heirs of the deceased Sarabjit Singh. For the claim with regard to the injuries of Jasbir Singh, a compensation of Rs. 2,39,510/- was awarded. The injured Kewal Mehra was awarded a compensation of Rs. 90,000/-. A compensation of Rs. 2,15,000/- was awarded to Jaswinderjit Kaur claimant-injured. Similarly for the injuries caused to the claimant Sushma Kumari, an amount of Rs. 1,80,000/- was awarded.

8. The claimant-petitioners felt dissatisfied with the amount of compensation granted to them and, therefore, have filed the present appeals.

9. It may be noticed at this stage that no appeal/cross-objection has been filed by the respondents challenging the findings with regard to the findings of rashness and negligence returned by the learned Tribunal. Neither any challenge has been made to the apportionment of the compensation between the owners of the truck and the bus in the ratio of 50:50. In these circumstances, the said finding with regard to the rashness and negligence of the truck driver as well as bus driver have attained finality and as such are affirmed.

10. I have heard learned counsel for the parties and with their able assistance have also gone through the record of the case.

11. Since the appeals have been filed by various claimants challenging the quantum of compensation awarded by the learned Tribunal and claiming enhancement thereof, therefore, it would be proper to discuss the claim of each of the claimants separately.

Claim of the heirs of Sarabjit Singh.

12. The evidence on the record shows that Sarabjit Singh deceased was aged about 45 years at the time of his death in the accident. The claim petition has been filed by his widow Kanwal Parkash Kaur, Harjit Kaur his daughter, Indervir Singh his son, Surjit Kaur his mother. At the time of his death, Sarabjit Singh was working as a clerk in the State Co-operative Milk Producers Federation. The learned Tribunal has found that his salary was Rs. 2,000/- per month. The car of the deceased Sarabjit Singh was also damaged. It was claimed by the claimants that the loss of the car was to the extent of Rs. 40,000/-. The learned Tribunal has found that it was not proved that aforesaid Sarabjit Singh was working as a Clerk and, therefore, it could not be taken that his monthly salary was Rs. 2,000/- per month. Accordingly, his monthly income was assessed at Rs. 1,200/-. Thereafter it was held that he was contributing Rs. 800/- per month to his family members (Claimants) who were dependent upon him. Thus, the annual dependency was calculated at Rs. 9,600/-. A multiplier of 16 was applied and the amount of compensation came to Rs. 1,53,600/-. Rs. 5,000/- were awarded for cremation and other death rites. Rs. 6,000/- were allowed as compensation for the damage to the car. Accordingly, the total amount of compensation was assessed

at Rs. 1,64,600/-.

The learned counsel appearing for the claimants has submitted that the assessment of the income of Sarabjit Singh made by the learned Tribunal was totally erroneous. The evidence on the record showed that the income of the aforesaid Sarabjit Singh from salary itself was proved to be Rs. 2,000/- per month. In fact the learned counsel has drawn my attention to the statement made by PW1 Kanwal Parkash widow of Sarabjit Singh. In her statement she has specifically stated that Sarabjit Singh was working as a clerk in the Punjab State Co-op. Milk Producers Federation Limited and was drawing a monthly salary of Rs. 2,000/-.The statement of Kanwal Parkash Kaur was never challenged by the respondents in the cross-examination. On that basis, the learned counsel has submitted that in fact the income of the deceased from salary as stated by his widow should be taken to have been admitted. It is further contended that at the time of his death, deceased Sarabjit Singh was maintaining a car and as such it could not be taken that his income was only liable to be assessed at the rate of Rupees 40 per day i.e. Rs. 1,200/-per month. The learned counsel further submits that in fact the claim petition has also detailed out that deceased Sarabjit Singh was a Graduate and besides working as a Clerk was also engaged in the business of dairy farming and cultivation etc. According to the learned counsel the aforesaid income from other sources have been completely ignored by the learned Tribunal.

I have given my thoughtful consideration to the pleas raised by the learned counsel.

It is no doubt true that in her statement, the wife of the deceased Sarabjit Singh has specifically stated that the deceased was drawing a monthly salary of Rs. 1997.30. The said statement had not been challenged at all in the cross-examination by the respondents. In this view of the matter, the said fact stated by the Kanwal Parkash widow of Sarabjit Singh would be deemed to have been admitted by the respondents. It has also come on record that the aforesaid deceased was maintaining a car and was a graduate. Although I find myself unable to accept the plea raised by the learned counsel for the appellant that the deceased was also having any additional income besides the salary from the Co-op. Society, because there is no evidence in this regard led by the claimants, but still keeping in view the totality of the circumstances, the income of Rs. 2,000/- from salary as proved by the claimants cannot be rejected on any ground.

Accordingly I find that Rs. 2,000/- was the salary of the deceased Sarabjit Singh from his employer Punjab State Co-op. Milk Producers Federation Limited at the time of his death. The aforesaid deceased was having two children, a wife and mother to support. Accordingly it can be taken that he was spending 1/4th of the total salary for his personal expenses and contributing the remaining salary towards his family. Thus his monthly dependency can very well be calculated at Rs. 1,500/- per month. Accordingly his annual dependency comes to Rs. 18,000/-. Applying the multiplier of 16, as applied by the learned Tribunal, the compensation comes to Rs. 2,88,000/-.

Since the amount of Rs. 5,000/- was granted by the learned Tribunal for last rites of the deceased Sarabjit Singh and an amount of Rs. 6,000/- was assessed as damage to the car, therefore, the total compensation awardable for the death of Sarabjit Singh shall be Rs. 299,000/- (say Rs. 300,000/-).

The aforesaid compensation would be payable to the complainants Kanwal Parkash, Harjit Kaur and Indervir Singh and Surjit Kaur. Whereas Smt. Surjit Kaur would be entitled to get 20% amount of compensation, the remaining 80% would be distributed equally amongst the remaining claimants.

13. Claim of Jasbir Singh, injured

Jasbir Singh claimant was working as Assistant Excise and Taxation Commissioner with the State of Punjab. He was injured in the aforesaid accident. He suffered the following injuries:

(1) Fracture left trechanter of femur;

(2) Fracture dislocation of left shoulder joint.

Both these injuries were declared as grievous. Dr.Suresh Singla who attended Jasbir Singh while appearing as PW5 stated that Jasbir Singh was treated with close reduction for both the injuries. He was admitted in the PGI, Chandigarh on May 29, 1990 and was discharged on July 13, 1990. Dr.Singla deposed that the fracture has since united but the claimant has suffered permanent disability of 75 percent. One operation of skeletal traction was also performed upon him. The injured Jasbir Singh was stated to be still under treatment. He further deposed that the claimant could not walk without the help of crutches of attendant.

PW14 is Dr. Kamla of the department of Physiotherapy of PGI, Chandigarh. She deposed that Dr. Awasthi had examined Jasbir Singh and it was diagnosed that he suffered from depression as a result of mental shock and due to multiple injuries on his body. She further deposed that the doctor examined Jasbir Singh for head injury on April 13, 1991. Dr. Kamla had examined Jasbir Singh from time to time April 13, 1991 to March 11, 1992. She prescribed medicines to him which he took from April 18, 1991 to March 11, 1992. The total expenses of medicine was Rs. 10/- per day. The total expenses of medicine was Rs. 3,000/- on March 11, 1992, the claimant was still under mental shock to the extent of 30 to 40%. Ex.PX is certificate regarding leave account and the claimant was not paid salary of Rs. 29,510/- as he remained on special disability leave from May 29, 1990 to November 30, 1990.

Jasbir Singh himself appeared as a witness and stated that he had remained in PGI for three months. Thereafter also be remained bed ridden for about three months at his house. He was still under treatment. He even could not tie his turban. Although he is a sikh, he had to cut his hair short. He has stated that he had spent Rs. 80,000/- to 90,000/-on his treatment which was still continuing. His left arm was permanently impaired. According to the claimant, he had suffered 40% mental

disability.

On the basis of the aforesaid evidence, the learned Tribunal found that injured Jasbir Singh was entitled to Rs. 60,000/- on account of pain and suffering and mental shock. Rs. 1,00,000/- were granted as compensation for loss of enjoyment of life, 75% for permanent disability and use of crutches etc. Rs. 50,000/- were awarded for medicines and other medical treatment, diet and attendants etc. Rs. 29,510/- were awarded as compensation for the loss of income due to deduction of leave. Accordingly, a total compensation of Rs. 2,39,510/- was awarded.

According to the learned counsel for the claimant-appellant, the injuries suffered by the injured Jasbir Singh were such, which had rendered him permanently disabled physically as well as mentally. Jasbir Singh was merely 43 years of age and had a very long and promising career ahead. According to the learned counsel since the Doctor had himself opined that there was a permanent disability to the extent of 75%, and further since the claimant was even admitted in the PGI for three months and even thereafter had to undergo bed rest for months together and his treatment had continued thereafter also, the compensation awarded for pain and suffering and loss of enjoyment of life was highly inadequate.

I have given my thoughtful consideration to the arguments raised by the learned counsel for the appellant. I have also gone through the evidence produced by the claimant on the record. It is not disputed that the claimant was working as Assistant Excise and Taxation Commissioner on the fateful day. He was merely 43 years of age at that time. After the injuries suffered by him, the Doctor had declared him permanently disabled to the extent of 75%. He has also suffered mental disability which is stated to the extent of 40%. Another important aspect of the matter which could not be lost sight of is that the injured claimant is sikh by religion. He has stated that because of his permanent disability and impairment of the left arm, he has not been able to tie his turban. Even though a sikh, he had to cut his long hair short. This aspect of the matter itself has to be kept in mind while awarding compensation for mental shock, agony and loss of enjoyment of life. Under these circumstances, I feel that Jasbir Singh injured is entitled to the compensation of Rs. 1,50,000/- on account of pain and suffering and mental shock suffered by him. Rs. 2,00,000/- would be the adequate compensation for the loss of enjoyment of life and for permanent disability of 75% suffered by him and for use of crutches etc. Compensation of Rs. 50,000/- for the medicines and medical treatment suffered by the injured is upheld. Rs. 29,510/- have rightly been awarded to him for the reduction of his leave. Accordingly to total compensation now payable to claimant Jasbir Singh shall be Rs. 4,29,510/- and accordingly, claimant Jasbir Singh would be entitled to the total compensation of Rs. 4,29,510/-.

14. Claim of injured Kewal Mehra.

Kewal Mehra claimant was 56 years of age at the time of said accident. He was serving as Taxation Inspector, Mohali in the Excise and Taxation Department of State of Punjab. Because of the injuries caused in the accident his right leg was fractured. He appeared as PW3. He remained confined to bed for six months. He visited PGI, Chandigarh many times. He claims that he spent Rs. 60,000/- to 70,000/- for his treatment, fee of the doctors, special diets and wages for the attendant. He further claimed that his duty as Inspector was in the field but he could not do the same duty now. He further stated that his right leg has shortened.

PW5 Dr. Suresh Singla, proved the injuries of Kewal Mehra. He has stated that the injured had suffered fracture of both bones of left lower limb. For this injury close reduction was done and POP cast was applied. The said injury was grievous. He was discharged on May 31, 1990. Dr. Suresh Singla further deposed that the fracture had united and the permanent disability to the injured claimant was to the extent of 16%.

RW7 proved that Kewal Mehra claimant was getting a salary of Rs. 3516/- per month. On the basis of the above evidence, the learned Tribunal awarded an amount of Rs. 20,000/- for pain and suffering and mental shock. An amount of Rs. 50,000/- was awarded for the loss of enjoyment of life and 16% permanent disability suffered by the claimant. Rs. 20,000/- were awarded as compensation for medical expenses, diet, attendance etc. Accordingly, the total compensation of Rs. 90,000/- was awarded to the claimant Kewal Mehra.

The learned counsel for the claimant submits that the aforesaid compensation awarded to the claimant for the pain and suffering suffered by him and for the loss of enjoyment of life was highly inadequate. According to the learned counsel, since the claimant was already 56 years of age at the time of the accident, therefore, it was apparent that he was going to be in more agony in the later years of his life. It is further submitted that the claimant has suffered a permanent disability to the extent of 16 percent.

Keeping in view the submission of the learned counsel for the claimant and also taking into consideration the evidence led by the parties and also keeping in view the permanent disability of the claimant, I find that some enhancement needs to be made in the compensation granted to claimant Kewal Mehra by the learned Tribunal. Accordingly, I find that Rs. 25,000/- would be the adequate compensation for the pain and suffering and mental shock suffered by the injured. The compensation of loss of enjoyment of life and 16% permanent disability is assessed at Rs. 80,000/-. The compensation for the medical treatment etc. has rightly been assessed at Rs. 20,000/- by the learned Tribunal, In this manner, the claimant Kewal Mehra would be entitled to get Rs. 1,25,000/- as compensation for the injuries suffered by him.

15. Claim of injured Jaswinderjit Kaur

Jaswinderjit Kaur was 41 years of age at the time of accident. She was working as Excise and Taxation Officer in State of Punjab on the fateful day. Jaswinderjit Kaur appeared as PW2. She stated that she had lost her memory and was unable to move. She further stated that in the end of July, 1990 she came to know injury on her right leg. She was operated upon. She received treatment for dislocation of right hip joint with sciatic nerve involvement. Her sciatic nerve was damaged because of foot drop. Physiotherapy was still going on, when she deposed. She further deposed that she cannot walk without sticks. She also deposed that she felt pain even if she had to prepare tea, while standing for some time. She also took treatment from USA. Her husband maintained the account and he knew the entire expenses. She further deposed that she had to engage a full time attendant at the rate of Rs. 1000/- per month including meals. She further deposed that she could not drive a vehicle and had to spend Rs. 1000/- per month for engaging the driver for going to PGI and her office. She further deposed that she could not lead a normal life and look after her children.

PW5 Dr. Suresh Singia, Registrar, Department of Orthopaedics, PGI proved that Jaswinderjit Kaur was brought to the PGI in an injured condition and she had following orthopaedics injuries: fracture dislocation of right hip joint with sciatic nerve involvement.

The injury was found to be grievous. She was treated by close reduction and skeletal traction. She was discharged on June 2, 1991. Although her fracture healed with some malposition and sciatic nerve was recovered partially. The doctor opined that she had suffered permanent disability to the extent of 50%. Dr. Singia deposed that she would require sticks for walking. She would have pain in hip joint while walking for prolonged time or prolonged sitting.

PW9 Dr. Chander Shekhar Garg has deposed that he treated Jaswinderjit Kaur claimant. He also deposed that after operation her limb could not be fully cured. He further deposed that he visited 100 times to her house and charged Rs. 10,000/- from her. The physiotherapist also paid her 300 visits.

Dr. M.S. Dhuria is husband of Jaswinderjit Kaur who had appeared as PW4. Dr. Dhuria deposed that he spent about Rs. 80,000/- on her treatment in the PGI. He also deposed that he also took her to America for treatment. He produced air tickets Ex.A1 to Ex.A4. he further deposed that he had engaged an attendant and a driver for the claimant

PW6 Dr. M.K. Tiwari, Asstt. Professor, Department of Neuro Surgery, PGI has appeared as PW6. He has also deposed about the condition of the injured Jaswinderjit Kaur. It was opined that she had massive extra jural haematoma underlying. She had altere asrsorium right pupil which was large as compared to left. She had blood clot and was operated upon and it was dangerous injury. He further deposed that Jaswinderjit Kaur claimant could not smell from both her

nostrils and she had blurring of right eye. She had craniectomy defect in the right tempo-parietal region. He assessed her permanent disability as 25% due to blurring of vision of right eye and loss of smelling power. The orthopaedician assessed her permanent disability as 50%. With the clubbing of these disabilities, the total would come to 62.5% as per formula evolved in National Seminar of disability evaluation and dissemination. It was further opined that the effect of that injury was that she would not remember anything about the accident which is known as post traumatic amnesia. The future effect of this injury was that she may forget things of small significance. This infirmity might last till her death.

On the basis of the aforesaid evidence, the learned Tribunal assessed Rs. 40,000/- for pain and suffering and mental shock suffered by injured Jaswinderjit Kaur. Rs. 1,25,000/- for the loss of enjoyment of life, 62.5% permanent disability, blurring of vision, loss of smelling power etc. Rs. 50,000/- was awarded for medical treatment, diet, attendants etc. Thus a total compensation awarded to her was Rs. 1,15,000/-.

The learned counsel for the appellant says that the evidence on the record apparently shows that the compensation granted by the learned Tribunal was highly inadequate. The claimant was a young lady of 28 years and has suffered 62.5% permanent disability and further that her future life has been rendered quite difficult. She has suffered physical disability as well as mental disability.

Having given my thoughtful consideration to the evidence on record and the submission made by the learned counsel and keeping in view the evidence of medical experts and the permanent disability, I find that the compensation in the case of injured Jaswinderjit Kaur needs to be enhanced. Accordingly, she would be entitled to the compensation of Rs. 1,00,000/- for pain and suffering and mental shock. Rs. 2,00,000/- would be an adequate compensation to the injured for the loss of enjoyment of life, 62.5% permanent disability, blurring of vision, loss of smelling power etc. Rs. 50,000/- granted by the learned Tribunal for the medical treatment, diet, attendants etc. are maintained. Accordingly, the claimant Jaswinderjit Kaur would now be entitled to compensation of Rs. 3,50,000/-.

16. Claim of injured Sushma Kumari

Sushma Kumari injured-claimant was working as Excise and Taxation Officer at the time of accident. She was 25 years of age at that time and was unmarried. She has appeared as PW11 and has deposed that she was admitted in the PGI for a week and thereafter she remained bed ridden for four months. She claimed that flesh was removed from her skull and she was operated upon. The nerves of right side of her head were cut and damaged. She claimed that she did not feel sensation on the right side of her head. There was permanent scar on her forehead from the back of her head and then to her right temporal region. At the time of accident her salary was Rs. 3500/- per month. The scar had spoiled her facial beauty. She claimed that she consulted cosmetic surgeons but the scar could not be removed. She further

stated that she had lost her eye sight and power of hearing. She feels pain in her forehead and on the back of her neck. She further deposed that she could not sit for long to do any table work which had lowered her official efficiency and had affected her promotional avenues. She further claimed that she was still unmarried and her chances for marriage had been impaired. She had to engage a lady servant and paid Rs. 600/- per month to her. PW13 Dr. Sasanka Saha, General Surgery Ward of the PGI brought the relevant record and deposed that Sushma Kumari claimant had scalp laceration of 12 cm in the right side and 7 cm in the left side. There was a skin loss and the scalp was avulsed. He further deposed that the wound was profusely bleeding. He stitched it. Fluid was transfused intravenously to her. Dr. Saha further deposed that laceration injury in skull and forehead left a permanent scar.

PW12 Dr. Gurdev Singh of the department of orthopaedic deposed that Sushma Kumari claimant had soft tissue injuries on neck and knee regions and that she was advised bed rest for 9 weeks. She was treated as out door patient in the department of orthopaedics. Dr. Gurdev Singh further deposed that he had prescribed cervical collar to the injured for neck injury.

PW17 Dr. M.K. Tewari deposed that he treated Sushma Kumari claimant. She complained of heaviness of head, anaesthesia and scalp giddiness, pain over vertex and both shoulders. She was referred to ENT specialist, for otological test, clinical psychologist, eye specialist, plastic surgeon. It was further deposed that Sushma Kumari petitioner had suffered permanent disability of 50% and she was complaining of giddiness, pain, over vertex, pain over neck reacting to both shoulders. He further deposed that the scar on her forehead is permanent and cannot be removed even by plastic surgery.

The learned Tribunal on the basis of the aforesaid evidence awarded an amount of Rs. 60,000/- for mental shock, pain and suffering. Rs. 80,000/- were awarded for loss of enjoyment of life, 50% permanent disability, disfigurement of face and scalp, dim prospects of marriage, etc. and Rs. 40,000/- were awarded for medicines, treatment, diet, attendance, transportation etc. Accordingly an amount of Rs. 1,80,000/- was awarded to claimant-injured Sushma-Kumari.

17. It is argued by the learned counsel for the petitioner that even the compensation to injured Sushma Kumari was highly inadequate since she has also suffered 50% permanent disability and was an unmarried young lady of 25 years at the time of accident.

18. I have given my thoughtful consideration to the submission raised by the learned counsel for the petitioner and have also perused the evidence on the record. In my considered view, keeping in view the facts and circumstances the compensation awarded to the claimant Sushma Kumari also needs to be enhanced. Accordingly, I feel that an amount of Rs. 1,50,000/- would be adequate compensation for mental shock, pain and suffering. Since the claimant was a young,

unmarried lady, therefore, the facial scar and other injuries to her have also affected her future life and the prospects of her marriage. She needs to be adequately compensated on that account. Therefore, the compensation for the loss of enjoyment of life, 50% permanent disability, disfigurement of face and scalp, dim prospects of marriage etc. is enhanced to Rs. 2,00,000/-. The compensation of Rs. 40,000/- granted by the learned Tribunal for medical treatment and medicines is adequate. Accordingly, the total compensation awarded to Sushma Kumari claimant come to Rs. 3,90,000/-.

19. In view of the aforesaid discussion, the present appeals are allowed. The award of the learned Tribunal is modified. The appellants-claimants would be entitled to the compensation assessed by this Court, respectively, as noticed above, along with 12 percent interest from the date of the filing of the petitions till the date of realisation. The appellants would also be entitled to the costs which are assessed at Rs. 5,000/- in each case.