

Ram Narayan Sharma Vs. Ram Kumar Singh and ors.

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Court : Madhya Pradesh

Decided On : Oct-04-2001

Reported in : 2002(1)MPHT201; 2002(1)MPLJ557

Judge : Bhawani Singh, C.J. and ;Arun Mishra, J.

Acts : [Motor Vehicles Act, 1939](#) - Sections 110-B, 110-CC and 110-D

Appeal No. : Misc. Appeal No. 345/93

Appellant : Ram Narayan Sharma

Respondent : Ram Kumar Singh and ors.

Advocate for Def. : Sanjay Agrawal and ;Vishal Dhagat, Adv.

Advocate for Pet/Ap. : K.P. Mishra, Adv.

Disposition : Appeal allowed

Judgement :

ORDER

Bhawani Singh, C.J.

1. It is inadequacy of compensation awarded by the Claims Tribunal for the injuries suffered by the claimants and non-award of compensation for damage caused to the motor-cycle, which has been assailed through this appeal by the claimant

against the award of the Motor Accidents Claims Tribunal, Rewa, in Claim Case No. 92/92, dated January 29, 1993.

2. The accident took place on 26-2-1988 when Jeep No. MBA 9962 owned by Ram Kumar Singh driven by Brijlal Yadav and insured with the Oriental Insurance Company, hit the motor-cycle resulting damage to it and injuries to the claimant. The medical evidence suggests that the claimant suffered fracture of 5th and 6th ribs apart from some other injuries to his body. The motor-cycle was also damaged. The allegation is that the accident is result of rash and negligent driving of the jeep by the driver, otherwise it would not have happened.

3. The owner and driver of the jeep did not contest the claim, therefore, proceeded ex parte.

4. The defence of the Insurance Company is that the claim is exaggerated, time barred and no permanent disability is suffered by the claimant. All these defences have been rejected by the Claims Tribunal. Taking place of accident has been established and receiving injuries by the claimant. Damage to the motor-cycle has also been found by the Claims Tribunal in this case. However, no compensation has been awarded towards this claim and for injuries to the claimant, compensation of Rs. 7500/- has been awarded. The claimant is not satisfied with this award, therefore, seeks enhancement through this appeal.

5. The counsel for the parties heard and record perused. There is no dispute about taking place of accident and involvement of the claimant and his motor-cycle in it. The fracture of 5th and 6th ribs is established from the medical evidence. The dispute is with regard to quantum of compensation payable to the claimant in this case. Learned counsel for the Insurance Company contends that the damage to ribs is not of permanent nature, that can be cured as per Doctor. Shri K.P. Mishra, learned counsel appearing for the claimant, submits that the fracture of ribs is quite a serious injury to the person, who suffers because of this injury, when weather changes. It may not strictly fall within the term 'destruction or permanent impairing of the powers of any member or joint', but it takes time for recovery and has the tendency to make the person suffer in later years when weather changes. Awarding of Rs. 7500/- for fracture of two ribs is absolutely inadequate, therefore,

enhancement is necessary. There is no dispute that the claimant has suffered fracture of 5th and 6th ribs. This kind of fracture cures but it takes time. Persons from this problem has to lay down for some periods so that fracture of two ribs is cured. He has to be attended; has to be given proper food and medicines as well. Therefore, with this background, the award of compensation deserves to be enhanced to Rs. 20,000/-. We notice that the claimant has filed documents with regard to repairs to the motor-cycle. The total amount of bill comes to Rs. 4041/-. Consequently, the claimant is awarded Rs. 20,000/- for injuries suffered by him and Rs. 4041/- for damage to the motor-cycle, taking total compensation to Rs. 24,041/-. The enhanced compensation will carry interest at the rate of 9% per annum from the date of application till realization.

6. The appeal is allowed in terms aforesaid. Costs on parties.

7. Misc. Appeal allowed.

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