

**Sanjay Kumar Agrawal Vs. Arjun Kumar and ors.**

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**Court :** Madhya Pradesh

**Decided On :** Oct-04-2001

**Reported in :** 2002(1)MPHT59

**Judge :** Bhawani Singh, C.J. and ;A.K. Mishra, J.

**Acts :** [Motor Vehicles Act, 1939](#) - Sections 85, 110-B, 110-CC and 110-D

**Appeal No. :** Misc. Appeal No. 217/93

**Appellant :** Sanjay Kumar Agrawal

**Respondent :** Arjun Kumar and ors.

**Advocate for Def. :** Amrit Ruprah, Adv.

**Advocate for Pet/Ap. :** Vijay Naik, Adv.

**Judgement :**

1. This appeal is directed against the award passed by the Motor Accident Claims Tribunal, Narsinghpur, in Claim Case No. 3/89, dated 20-1-1993.

2. Accident took place on 29-6-1988 when claimant was going to the scooter of Arun Kumar as pillion rider and truck No. D.I.L. 2127, owned by Arjun Kumar driven by Habib Khan and insured with National Insurance Company Ltd., hit him. Allegation is that the accident took place due to rash and negligent driving of the truck. As a result of this accident, the claimant was dragged to some distance and

suffered serious injuries. He remained in the hospital from 29-6-1988 to 4-7-1988 and in Private Nursing Home from 5-7-1988 to 29-7-1988. Claimant has claimed total compensation of Rs. 1,07,208/-, out of which Rs.15,000/- is towards loss of income from shop for six months.

3. The respondents have taken the defence that claimant did not suffer any injury in this accident, as alleged. Driver of scooter and truck did not possess valid driving license for driving the vehicle, therefore, they are not liable to pay the compensation.

4. The Claims Tribunal has accepted the case of the claimant and awarded compensation of Rs. 15,650/- with interest at the rate of 12% per annum. This award has been challenged through this appeal.

5. Shri Vijay Naik, learned counsel for the claimant submits that just compensation has not been awarded to the claimant in this case. Looking to the nature of injuries suffered by the claimant and the loss incurred by him in his shop, enhancement of compensation is called for.

6. Smt. Amrit Ruprah, learned counsel for the respondents contends that claimant has been awarded just compensation and facts of the case do not justify the enhancement.

7. After looking to the evidence and nature of injuries, we find some justification for enhancing the compensation in this case. Claimant is a young man of 25 years. He had started jewellery shop in Narsinghpur market although Smt. Ruprah contends that he was studying law course. Be that as it may, fact remains that he is a young man and suffered injuries in this accident. As per doctor, the injuries are 'fracture of Sup. Pubic Ramus right side and fracture on Sacrum seen'. Although doctor has not categorically measured the extent of disability but from the statement it is clear that due to the injury to this portion of body, there can be limp in the body of the claimant. Moreover, he could not appear in law examination due to this injury.

8. Looking to the fact that he remained in hospital from 29-6-1988 to 4-7-1988 and then from 5-7-1988 to 29-7-1988, it is clear that injuries were of serious nature and the claimant must have spent sufficient amount on treatment, medicine, care, diet, attendant and loss of business/duty. With this background, we are of the opinion that award of compensation to the extent of Rs. 15,650/- is very much low. Consequently, enhanced compensation for all the items mentioned above is called for.

9. A lump-sum compensation of Rs. 60,000/- is awarded to the claimant. The compensation will carry interest at the rate of 9% per annum from the date of filing of claim petition till payment. Cost on parties.

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