

State of Madhya Pradesh and anr. Vs. Pawan Kumar and anr.

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Court : Madhya Pradesh

Decided On : Aug-30-2000

Reported in : 2001ACJ900

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

Appeal No. : M.A. No. 682 of 2000

Appellant : State of Madhya Pradesh and anr.

Respondent : Pawan Kumar and anr.

Advocate for Def. : M. Mishra, Adv.

Advocate for Pet/Ap. : N. Nagrath, Adv.

Disposition : Appeal dismissed

Judgement :

Bhawani Singh, C.J.

1. This appeal is directed against the award dated 6.12.1999 passed by the Claims Tribunal, Umaria, in Claim Case No. 5 of 1999.

2. The accident took place on 10.10.95 at 12 noon. Claimant Pawan Kumar suffered fracture 3' above ankle, when jeep No. MPZ 6742 driven rashly and negligently hit scooter on which claimant Pawan Kumar (aged about 18 years) was

a pillion rider. The claimant sustained injuries on other parts of body also. He was shifted to hospital at Jabalpur and was treated for some days. As a result of this accident, there is shortening to the extent 1.5 cm. Compensation of Rs. 13,60,680 has been claimed.

3. The non-claimants have denied the accident. They stated that the scooter was being driven at a fast speed and due to which, the claimant could not control the scooter and struck against the wall resulting in an accident.

4. The Tribunal found substance in the plea taken by the claimant and awarded compensation of Rs. 1,43,680. The award has been challenged by the appellants/ State through this appeal.

5. Mr. N. Nagrath, learned counsel for the State, submits that the award is liable to be set aside for the reason that the compensation awarded for personal injury and medical treatment is unduly high. This submission is opposed by the learned counsel for the respondent-claimant and it is stated that looking to the nature of injuries, pain and suffering, the compensation awarded is quite reasonable.

6. After considering the respective submissions of learned counsel for the parties, we are of the view that the compensation awarded by the Tribunal is quite reasonable. No case for interference is made out.

7. With respect to payment of compensation for medical treatment, the statement of the claimant is that he had to take treatment for number of months. It is stated by the doctor that the claimant must have spent Rs. 60,000 to Rs. 80,000 on treatment. With this background, it cannot be said that the award of compensation against this head is unduly high, as contended by the learned counsel for the State, with respect to compensation for injury, it can be said that by this accident, the claimant's leg has been shortened by 1.5 cm. He has definitely lost normal use of the same for rest of his life and it has also affected his marriage and other pleasures of life. Moreover, the rate of compensation in personal injury case should be higher as compared to fatal cases, since it is to be utilised by the claimant himself.

8. Consequently, we find no merit in the appeal, which is dismissed. Mr, N. Nagrath, learned counsel for the State, prays for three months' time for paying/ depositing the amount of compensation. Allowed, but if it is not paid/deposited within the stipulated time, the award/order of the Tribunal for enhanced rate of interest would come into force.

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