

Pyarsingh Vs. Kamlabai and ors.

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Court : Madhya Pradesh

Decided On : Apr-25-2003

Reported in : 2004ACJ902

Judge : Deepak Verma and ;S.K. Seth, JJ.

Appeal No. : M.A. No. 1464 of 2002

Appellant : Pyarsingh

Respondent : Kamlabai and ors.

Advocate for Def. : H.G. Shukla, Adv.

Advocate for Pet/Ap. : Manish Jain, Adv.

Judgement :

Deepak Verma and S.K. Seth, JJ.

1. Mr. Manish Jain, learned counsel for appellant.

None for respondent Nos. 1 and 2.

Mr. H.G. Shukla, learned counsel for respondent No. 3. They are heard on I.A. No. 1148 of 2003, an application made by appellant for dispensing with service of notice on respondent Nos. 1 and 2. Application considered. It is hereby allowed. With consent arguments heard on merits.

2. For the injuries sustained by the appellant in a motor accident whereby he had suffered compound and multiple fractures on both legs, a total amount of Rs. 1,50,000 has been awarded to him by the Claims Tribunal vide its order dated 16.3.2002. Evidence of PW 1 Dr. Sahid Hussain and PW 2 Sushil Gupta would show that his permanent disability in both legs was to the tune of 32.6 per cent. At the time of the accident he was aged about 38 years and was engaged in the business of selling chat from his shop. The injuries have been described at length by PW 1, Dr. Sahid Hussain. There was also shortening of leg by 2 cm. We have also seen the photograph of appellant filed before the Claims Tribunal. We are fully satisfied with regard to the nature of injuries and the permanent disability suffered by the present appellant.

3. We also find that the amount awarded to the appellant was on lower side. The same deserves to be enhanced. After considering the facts and features of the case we are of the opinion that a total amount of Rs. 2,50,000 inclusive of the medical treatment would be just and proper. We, accordingly, modify the impugned award and hold the appellant is entitled to receive a total amount of Rs. 2,50,000 from the respondents jointly and severally. The enhanced/difference amount would carry interest at the rate of 8 per cent per annum from the date of application till it is paid.

4. The impugned award is modified to the extent mentioned above. The appeal thus stands partly allowed along with costs throughout. Counsel's fee Rs. 1,000, if certified.