

**Anwar Vs. Modiram and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/512005](http://sooperkanoon.com/512005)

**Court :** Madhya Pradesh

**Decided On :** Jun-29-2005

**Reported in :** IV(2005)ACC24

**Judge :** S.K. Gangele, J.

**Appellant :** Anwar

**Respondent :** Modiram and ors.

**Judgement :**

**S.K. Gangele, J.**

1. The appellant has filed this appeal against the award dated 15.3.2001 passed in Claim Case No. 5/00. By the aforesaid award the learned Tribunal has awarded a total compensation of Rs. 73,000/-, Rs. 48,000/- for future loss of income; Rs. 12,000/- for medical expenses; Rs. 5,000/- for pain and suffering and Rs. 8,000/- on other heads.

2. Learned Counsel for the appellant submitted that the compensation awarded by the Tribunal is on lower side. Learned Counsel for the respondents submitted that the compensation is just and proper.

3. It is clear from the evidence and findings of the Tribunal that the appellant claimant, who was a driver has serious fracture injuries in his leg. His leg has been

broken and thereafter a plate was inserted in his leg and it was fitted with screws. The Tribunal has also observed on the basis of the evidence of the doctor that there was a plate at that time and it was fitted with screws. The Tribunal has further held that the claimant cannot work as a driver because the plate will be there for whole life. On the basis of the above evidence, the Tribunal has awarded Rs. 48,000/- only as compensation for future loss of earning, which appears to be on lower side.

4. The appellant was aged 40 years, hence a multiplier of 16 would be applicable and as per the Tribunal the income of the appellant was Rs. 2,000/-, which means Rs. 24,000/- p.a., then the total loss of income comes to Rs. 4,04,000/-. Hence, if 30% permanent disability be counted, then the future loss of earning comes to around Rs. 1,25,000/- and looking to the ailment and injuries of the appellant, in my opinion, it would be just and proper to award Rs. 50,000/- towards pain and suffering to the appellant. The Tribunal has awarded a total compensation of Rs. 53,000/- to the appellant on account of future loss of earning and pain and suffering.

5. In view of the above discussion, the appellant is entitled to get an enhanced, compensation of Rs. 1,25,000/-. In these circumstances, the appeal is allowed to the extent that the appellant will get an enhanced compensation of Rs. 1,25,000/-, which will carry interest @ 6% p.a. from the date of application till realisation. No order as to costs. The impugned award is modified to the above extent.