

**Sunil Kumar Vs. Basant and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/512032](http://sooperkanoon.com/512032)

**Court :** Madhya Pradesh

**Decided On :** Aug-10-2005

**Reported in :** IV(2005)ACC145

**Judge :** Deepak Verma and ;Ashok Kumar Tiwari, JJ.

**Appellant :** Sunil Kumar

**Respondent :** Basant and ors.

**Judgement :**

ORDER

1. It has not been disputed before us that appellant herein Sunil Kumar, aged about 30 years, had met with a motor road accident on 17.10.2001. He used to work as a Hammal and Cleaner in the Trailor. At the time of the accident the said Trailor was being driven by respondent No. 2, owned by respondent No. 1 and insured with respondent No. 3. In the said accident this appellant had sustained 80% permanent disability due to amputation of his right hand from the shoulder joint and right leg above the knee.

2. According to appellant he was getting Rs. 1,500/- per month as salary, but when his employer was confronted with one of the documents which he has sent to the Insurance Company claiming compensation, he admitted that appellant was being paid Rs. 1,000/- p.m. as salary. Working out the said income, the 6th Addl. Motor Accident Claims Tribunal, in M.V. Case No. 136 of 2002, decided on 22,7.2003,

awarded a sum of Rs. 2,86,767/- under different heads. This appeal is for enhancement.

3. The permanent disability of 80% is almost like 100% of permanent disability as he has lost his right arm and left leg. He is a young person. At the time of the accident and was working as Hammad. Obviously due to the nature of permanent disability suffered by him in a road accident, he could not be able to function as before. He has become dependent on others. He has been completely deprived of his earning capacity. Looking to all these facts and also keeping in mind the pain and suffering undergone by him in hospital from time to time and even now, a lump sum payment would take care of these sufferings. In our considered opinion and at our modest computation a sum of Rs. 5,00,000/- would be the just, proper and adequate compensation.

4. Thus, the impugned award is modified. It is held that the appellant would be entitled to receive in all a sum of Rs. 5,00,000/- from the respondents jointly and severally. The difference amount would carry interest at the rate of 4% per annum from the date of application till it is actually paid. Respondents to bear the cost of the litigation throughout. Counsel's fee Rs. 1,000/- if certified.

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