

Farook Vs. Anil and ors.

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SooperKanoon Citation : sooperkanoon.com/512184

Court : Madhya Pradesh

Decided On : Apr-09-2003

Reported in : 2005ACJ271

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

Appeal No. : Misc. Appeal No. 648 of 2000

Appellant : Farook

Respondent : Anil and ors.

Advocate for Def. : Verma and ;Promod Mitha, Advs.

Advocate for Pet/Ap. : G.K. Neema, Adv.

Judgement :

Deepak Verma and S.K. Seth, JJ.

1. The appellant, aged 22 years, working as an operator and mechanic in photocopying machine, met with a motor accident on account of which his right arm from above the shoulder joint was amputated. He filed a claim petition against the respondents for awarding him compensation. On appreciation of evidence available on record the Claims Tribunal, Dewas in M.V. Case No. 151 of 1999; decided on 8.2.2000 awarded a sum of Rs, 2,88,406 inclusive of medical treatment and fixing of the artificial limb for the appellant.

2. The learned counsel for the appellant contended that Exh. P-118 proves that appellant was getting a monthly salary of Rs. 4,000 from Patel Enterprises where he was working as photocopy machine operator and mechanic. To prove this certificate PW 2, Yunus Patel, has been examined who has also testified that he was paying Rs. 4,000 per month as salary to the appellant. He has also proved the certificate that has been issued and marked as Exh. P-I 18. Admittedly after amputation of his right arm and even after getting the artificial limb fixed in its place he would not be in a position to function as a normal person. For whole of his life he has to survive in this condition.

3. After having gone through the record and after having heard the learned counsel for parties we are of the opinion that the amount deserves to be suitably enhanced. The amount awarded is on the lower side. We, therefore, direct that a lump sum payment of Rs. 4,00,000 to the appellant inclusive of medical treatment would meet the ends of justice. The impugned award is, therefore, modified to the extent that the appellant would be entitled to receive a sum of Rs. 4,00,000 from the respondents jointly and severally. The difference in amount shall carry interest at the rate of 8 per cent per annum from the date of application till it is paid.

4. Appeal is allowed partly to the extent mentioned above with costs throughout. Counsel's fee Rs. 1,000, if certified.