

Bhagirath Vs. Iqbal

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Court : Madhya Pradesh

Decided On : Nov-06-2001

Reported in : 1(2002)ACC398

Judge : S.B. Sakrikar, J.

Appellant : Bhagirath

Respondent : iqbal

Judgement :

ORDER

1. Appellant/claimant has directed this appeal against the award dated 2.1.2001 passed by Illrd Additional MACT, Dewas in Claim Case No. 69/2000 thereby awarding Rs. 10,000/- as compensation together with 10% interest from the date of the application till its realisation.

2. Considering the submissions of learned Counsel and on perusal of the facts stated in para No. 8 of the impugned award, it emerged that the alleged accident occurred on 24.3.2000 and thereafter claimant was admitted to Dewas Hospital for his treatment. During his treatment an X-ray of his right leg was taken up. The X-ray does not indicate any fracture whereas Dr. A.K. Dube P.W. 2 who gave the disability certificate to the extent of 19% disability, has examined the claimant on 4.12.2000 and the X-ray report of the said date indicates that the Calcaneum bone of right ankle joint was not at all present and as a result of the said fact disability

certificate of 19% was given by Dr. A.K. Dube. It is pertinent to note that the X-ray report dated 24.3.2000 Exhibit P/5 immediately taken after the alleged accident does not indicate any fracture in the right leg of the claimant, whereas the X-ray report dated 4.12.2000 taken up after about 9 months of the accident indicate fracture of Calcaneum bone of right ankle joint. The said fracture found on 4.12.2000 cannot be attributed to the alleged accident occurred on 24.3.2000.

3. In view of the evidence available on record, it appears to be a case of simple injury and the Tribunal has not committed any error in awarding the compensation to the tune of Rs. 10,000/-. The compensation awarded by the Tribunal, in view of the facts and circumstances of the case, in my opinion, just and proper requiring no interference in this appeal. The appeal filed on behalf of the appellant is devoid of merit and substance. I decline its admission and dismiss the same, summarily.

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