

Ramjan Vs. Madhya Pradesh State Road Trans. Corpn. and anr.

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Court : Madhya Pradesh

Decided On : Jan-24-2003

Reported in : 2005ACJ1431

Judge : Deepak Verma and ;S.L. Kochar, JJ.

Appeal No. : M.A. No. 583 of 2002

Appellant : Ramjan

Respondent : Madhya Pradesh State Road Trans. Corpn. and anr.

Advocate for Def. : A.K. Sethi and ;Badjatiya, Advs.

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

Judgement :

Deepak Verma and S.L. Kochar, JJ.

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

Mr. A.K. Sethi with Mr. Badjatiya for respondent No. 1. I.A. No. 83 of 2003 has been filed by appellant for dispensing with service of notice on the respondent No. 2 driver, on the ground that he was ex parte before the Tribunal. Application perused and considered. The same is allowed.

2. With consent arguments heard on merits. For the injuries sustained by the present appellant in a motor accident, a sum of Rs. 40,000 has been awarded to him. Feeling aggrieved he has preferred this appeal.

3. According to the appellant and his treating Dr. Pradeep Bhargava, his right hand has been rendered practically useless as it cannot be moved on account of the injuries sustained by him. The permanent disability has been shown as 60 per cent. Dr. Pradeep Bhargava has admitted that the appellant shall not be in a position to perform any work with his right hand. Prior to the accident he was working as a mason. On account of the nature of the work that he used to perform before the accident, now he will not be able to do the said work. However, the Claims Tribunal has still awarded only a sum of Rs. 40,000 to him, which, in our considered opinion, is on lower side.

4. According to our assessment the appellant deserves and is awarded a total sum of Rs. 1,50,000 as compensation. The difference amount of Rs. 1,10,000 shall carry interest at the rate of 9 per cent per annum from the date of the application till it is paid.

5. In view of the aforesaid discussion, the appellant would be entitled to a total amount of Rs. 1,50,000. The impugned award and the appeal are modified and allowed respectively to the extent mentioned above. Respondents to bear costs of the litigation throughout. Counsel's fee Rs. 1,000, if certified.