

Gopal Singh Vs. Anwar

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Court : Madhya Pradesh

Decided On : Aug-19-2003

Reported in : III(2004)ACC548

Judge : A.M. Sapre, J.

Appellant : Gopal Singh

Respondent : Anwar

Judgement :

ORDER

A.M. Sapre, J.

1. Having heard learned Counsel for appellant and having perused record of the case, I find no merit in the appeal which seeks to challenge the award, dated 23.1.2003, passed by learned IVth Additional Member, Motor Accident Claims Tribunal, Dhar in Claim Case No. 140 of 2002, by the claimant.

2. It is an injury case. The Tribunal awarded Rs. 50,000/- together with 9% per annum interest from the date of application till realisation. Claimant says that it is inadequate, and hence, wants more. In my view, what is awarded, is legal, proper and reasonable. It is good and commensurate with the nature of injury suffered by the claimant.

3. What is material and decisive in Accident cases is not the causing of an injury only, but its resultant disability in the body. If it is found that injury though caused due to Accident did not result in any kind of permanent or partial disablement, then in such eventuality there arises no question of granting any compensation except what is provided under the Act for pain/suffering and expenses, etc.

4. In this case the Tribunal found as a fact that the nature of injury sustained by the claimant was simple and did not cause any permanent or partial disablement to the claimant. Accordingly, only Rs. 50,000/- was awarded by way of compensation under different heads. I do not find any illegality in the impugned award, as the finding returned is just and proper. Learned Counsel for the appellant could not point out to me any infirmity in the impugned award. The claimant should feel fortunate that he did not suffer any permanent injury and survived in the Accident. He should thank God.

5. Submission of learned Counsel for the appellant was that Claims Tribunal should have relied upon the disability certificate duly submitted by the claimant to prove the disability suffered by the claimant on his body for granting adequate and just compensation. I do not agree. In my opinion, the Claims Tribunal was fully justified in not placing reliance on the so-called certificate filed by the claimant. It was, in my opinion, not a genuine certificate. Firstly, it was not given by the treating doctor. Secondly, treating doctor refused to give disability certificate to claimant saying that since claimant has not suffered any disability but has become fit in all respect, there is no need to issue any certificate. Indeed, this was the version of the claimant himself in his deposition. Thirdly, the doctor who gave certificate, had no occasion to examine the claimant after the Accident, but issued the same almost after more than one year from the date of occurrence. It is these factors which were made basis for rejecting the disability certificate by the Tribunal and in my opinion, rightly.

6. In a recent decision of the Supreme Court Their Lordships have cautioned while awarding compensation in motor vehicles cases. Their Lordships have held that what is required to be awarded is not a bonanza or bounty to the claimant, but it should be a just compensation depending upon the facts of each case, There is no

mathematical formula prescribed for awarding compensation and hence, Courts are required to take into Account all facts and circumstances of each case, nature of injury and other relevant factors and then just compensation is required to be determined. Since, in this case, I am not able to find any such factors which may entitle the claimant to award more compensation than the one awarded by the learned Claims Tribunal, no interference is called for.

7. Appeal, thus, fails and is dismissed.

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