

**Pooran Mal Vs. Phool Chand and anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/769372](http://sooperkanoon.com/769372)

**Court :** Rajasthan

**Decided On :** Dec-10-2004

**Reported in :** II(2005)ACC231

**Judge :** Dalip Singh, J.

**Appellant :** Pooran Mal

**Respondent :** Phool Chand and anr.

**Judgement :**

**Dalip Singh, J.**

1. This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Jaipur City, Jaipur dated 19.11.1993 in Motor Accident Claim Case No. 653/1989 whereby an award of Rs. 20,000/- was passed in favour of the appellant for compensation On account of injuries suffered by the appellant in the motor accident that took place on 22.3.1989.

2. Learned Counsel appearing on behalf of the appellant submits on account of the fracture on the left fabula of the left leg and fifth metacarpale an amount of Rs. 20,000/- was wholly inadequate. The submission of the learned Counsel for the appellant is that said amount of Rs. 20,000/- deserves to be enhanced. Learned Counsel appearing on behalf of the respondent, on the other hand, submits that in view of the provisions contained in II Schedule appended to the Motor Vehicles

Act, 1988, which, in case are taken as the guiding principles, the compensation awarded is in excess of the provisions of the said schedule where for grievous injury the amount liable to be awarded Rs. 5,000/- for each grievous injury and, in case, two fractures are considered as grievous injury, the appellant would have been entitled only to a sum of Rs. 10,000/-.

3. I have heard learned Counsel for the parties and considered the rival submissions. I am in agreement with the submissions made by the learned Counsel for the respondent. In view of the provisions contained in II Schedule appended to the Motor Vehicles Act, 1988, no interference is called for this appeal and amount of compensation awarded by the learned Tribunal was just and proper in the facts and circumstances of this case.

4. Consequently, this appeal fails and is, hereby, dismissed. There shall be no order as to the costs.

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