

Hari Krishan Vs. Ramji

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SooperKanoon Citation : sooperkanoon.com/769495

Court : Rajasthan

Decided On : Aug-06-2009

Reported in : 2009(3)WLN284

Judge : Vineet Kothari, J.

Appellant : Hari Krishan

Respondent : Ramji

Disposition : Appeal allowed

Judgement :

Vineet Kothari, J.

1. Heard learned Counsels.

2. This appeal is directed against the MACT Award dt. 18.11.1996 deciding Claim Case No. 152/96.

3. The injured Hari Krishan Patel, a Patwari, was driving his Motor Cycle No. RJ-12-3878 and was hit by another Motor Cycle driven by respondent Ramji, who according to injured claimant was under the influence of liquor and driving the Motor Cycle in rash and negligent manner and hit the claimant by coming from wrong side of the road. On account of the said accident, the injured claimant suffered injury on his left eye and his vision of left eye was also reduced.

4. Learned Counsel for the appellant claimant submits that on account of said accident the injured claimant spent Rs. 30,000/- on his medical treatment and incidental travelling to various places in Gujarat, whereas, the learned Tribunal has awarded only Rs. 16,500/- on account of medical expenses and Rs. 11,000/- towards incidental travelling and Rs. 5500/- on account of mental harassment etc. and total compensation of Rs. 35,000/- has been awarded by the learned Tribunal.

5. Learned Counsel for the appellant submits that at least medical expenses actually incurred by the claimant injured for which evidence was produced ought to have been reimbursed by way of compensation. He has also prayed for enhancement of compensation of Rs. 5500/- awarded by the learned Tribunal.

6. Learned Counsel for the respondent Ram ji-tortfeasor submits that the award of the learned Tribunal is justified and requires no interference by this Court.

7. Having heard learned Counsels and upon perusal of the record of the case, it appears that the award of the learned Tribunal calls for interference to the extent of reimbursement of complete medical expenses incurred by the appellant injured resulting on account of said accident for which the respondent has been found guilty.

8. In view of this, present appeal is allowed and the compensation to the extent of Rs. 35,000/- awarded by the learned Tribunal is further enhanced by a lumpsum Rs. 15,000/- in favour of appellant injured. The said enhancement amount of Rs. 15,000/- towards the medical expenses incurred by the appellant injured shall be payable by respondent, however without interest to the claimant-appellant within three months from today. The amount awarded by the learned Tribunal, if not already paid, shall be paid with interest as ordered by the learned Tribunal.