

Ashok Kumar Vs. Ramesh Chandra

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SooperKanoon Citation : sooperkanoon.com/769617

Court : Rajasthan

Decided On : Aug-27-2009

Reported in : 2009(3)WLN492

Judge : Guman Singh, J.

Appellant : Ashok Kumar

Respondent : Ramesh Chandra

Judgement :

Guman Singh, J.

1. Heard learned Counsel for the parties.
2. This appeal has been preferred on behalf of injured-appellant for enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Gangapur city vide judgment dt. 22.07.2000 whereby a sum of Rs. 57,600/- was awarded by way of compensation for 2.5% disability caused on account of injuries sustained in the accident.
3. The challenge in the appeal pertains to quantum of compensation only.
4. Learned Counsel for the appellant submits that injured was a bachelor and he sustained injuries on his face which resulted into disfiguration and he is facing difficulty in marriage and other prospects and has to undergo plastic surgery for

which he has to incur expenses of Rs. 1,00,000/- and, as such, for pain and sufferings, a consolidated amount of Rs. 25000/- has been awarded under the head of disability. It is also submitted that Rs. 25,000/- awarded for disability is minimum amount under Section 140 of the M.V. Act as no fault liability in case of disability. Hence amount should be computed by taking his income as Rs. 100/- per day commensurating with the percentage of disability under second schedule to the M.V. Act and the amount so arrived should be awarded over and above what has already been awarded by the Tribunal.

5. Per contra, learned Counsel for the respondents supported the judgment of the Tribunal and submitted that the learned Tribunal has taken into consideration evidence adduced during inquiry and has awarded adequate compensation and calls for no interference.

6. On hearing the rival contentions, and going through the award as also record of the case, it is revealed that injured was 22 years of age and on account of injuries sustained on his face and about 60 stitches were to be carried out and hence amount for pain and sufferings as well as disfiguration deserves to be enhanced over and above what has already been awarded for disability amounting to Rs. 25,000/- which is a minimum amount under Section 140 of the M.V. Act for no fault liability. Accordingly, on computing the loss of income and by adopting the appropriate multiplier of 18 as per guidelines of Hon'ble Apex Court in Sarla Verma and Anr. v. DTC and Ors. : 2009(6) SCC 121, commensurating with the percentage of disability, amount comes to Rs. 16,200/- and this amount deserves to be awarded over and above what has already been awarded by the Tribunal.

7. Accordingly, appeal of the injured-appellant is partly allowed and the Award passed by the learned Tribunal is modified to the extent that the injured-appellant shall get a sum of Rs. 16,200/- by way of additional enhanced compensation from the date of appeal i.e. 14.12.2000, with 6% interest to be paid within three months. Thereafter interest shall be paid @ 9% per annum. The rest of the terms of award shall remain unchanged. Record be sent forthwith.