

Dharmendra Kumar Vs. Vikram Singh and ors.

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SooperKanoon Citation : sooperkanoon.com/769750

Court : Rajasthan

Decided On : Dec-03-2004

Reported in : I(2005)ACC821

Judge : Dalip Singh, J.

Appellant : Dharmendra Kumar

Respondent : Vikram Singh and ors.

Judgement :

Dalip Singh, J.

1. This appeal has been filed against the award dated 3.12.1993 passed by the Motor Accident Claims Tribunal, Jaipur City, Jaipur (hereinafter referred to as 'The Tribunal') in Claim Petition No. 863/1989 filed by the appellant on account of the injuries suffered by the appellant in the accident which took place on 23.8.1989 involving a Truck No. RNG 1089. On account of the said accident, the appellant received multiple injuries including the fact that his right foot was crushed under the tyre of the said truck resulting in multiple fracture and 43% disability as per the medical evidence produced on record.

2. The submissions of the learned Counsel for the appellant is that the learned Tribunal has not awarded any compensation to the appellant on account of the said disability for the loss of future earning. This fact is not disputed on behalf of

the respondents it is agreed that compensation in this head may be awarded. Looking to the facts and circumstances of the instant case, looking to the injuries and the fact of 43% disability of the right foot which has been crushed undisputedly and no compensation for loss of earning on this account has been awarded it would be just and proper that in addition to the amount awarded by the Tribunal, an amount of Rs. 45,000/- be awarded to the appellant for the loss of future earning on account of 43% disability caused on the right foot as a result of the injuries suffered by the appellant in the said accident.

3. The respondents shall pay to the appellant by way of crossed cheque/demand draft or deposit the same with the Tribunal the said amount of Rs. 45,000/- along with the interest @ 6% per annum within three months from today I.e.f. the date of filing of the appeal i.e., 7.2.1994. However, in case, the said amount is not paid or deposited within the stipulated period of three months, the appellant would be entitled to receive the said amount of Rs. 45,000/- (Rs. forty-five thousand only) along with the interest @ 9% per annum within the stipulated period of three months, zv.e.f. the date of filing of the claim petition i.e., 11.9.1989. This appeal stands disposed of accordingly.

The parties shall bear their own costs.