

Banshidhar Garg Vs. ShamshuddIn and ors.

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Court : Rajasthan

Decided On : Jun-03-2005

Reported in : 3(2005)ACC211

Judge : J.R. Goyal, J.

Appellant : Banshidhar Garg

Respondent : ShamshuddIn and ors.

Judgement :

J.R. Goyal, J.

1. Instant appeal has been preferred by the appellant-claimant for the enhancement of the compensation awarded by the Motor Accident Claims Tribunal (hereinafter to be referred as 'Tribunal'), Jaipur City, Jaipur dated 1.12.1992 in M.A.C. No. 423/1988.

2. Brief facts of the case are that on 14.4.1988 at about 9.30 a.m. the claimant Banshidhar was going from the main gate of Ramniwas Park by his scooter bearing registration No. DHU-8033 to attend the office, a mini bus, driven by respondent No. 1 Shamshuddin, owned and insured with respondent No. 2 Sh. Ambrish and United Insurance Co. Ltd. respectively, came from behind with high speed and hit the scooter driven by Banshidhar, as a result of which the claimant sustained injuries.

3. Learned Tribunal after concluding the trial awarded compensation of Rs. 21,413/- with the stipulation to make the payment within a period of three months with interest @ 12% per annum from the date of filing the claim application i.e., 16.6.1988, failing which the rate of interest @ 18% per annum was made payable from the date of filing the claim application.

4. Aggrieved by the award, on the ground of inadequacy, this appeal has been filed by the appellant.

5. I have heard learned Counsel for the appellant and the respondent-Insurance Company.

6. Learned Counsel for the appellant submitted that on account of this accident the claimant-appellant Banshidhar sustained many injuries including one grievous injury on his right knee and suffered 8% permanent disability, he was operated and remained confined to bed for about six months but without properly considering all these aspects, learned Tribunal awarded only a meagre amount of Rs. 21,413/- as compensation.

7. Learned Counsel for the respondent-Insurance Company, on the other hand, submitted that the compensation awarded by the learned Tribunal is just and reasonable. He also submitted that claimant-appellant Banshidhar did not suffer any future financial loss due to the injuries sustained in this accident.

8. It is not disputed that the claimant-appellant was operated and remained hospitalised for some days and also confined to bed for a couple of months. According to the statement of treating doctor C.S. Sharma, the claimant suffered 8% permanent disability. Considering the entire facts and circumstances of the case, it would be appropriate to enhance the amount of compensation from Rs. 21,413/- to the tune of Rs. 30,000/-.

9. Consequently, the appeal is partly allowed, the award passed by the learned Tribunal is modified and the compensation amount is enhanced to Rs. 30,000/- from Rs. 21,413/- with interest @ 6% per annum on the enhanced amount from the date of filing the claim application i.e., 16.6.1988 till payment.

10. Thus, the appeal stands disposed of as indicated above.

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