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Court : Rajasthan

Decided On : Dec-03-1987

Reported in : 1(1989)ACC399

Judge : Jasraj Chopra, J.

Appellant : Shanker Lal

Respondent : Shanker Lal

Judgement :

Jasraj Chopra, J.

1. This appeal has been filed by the claimant Shankerlal who was injured in the accident caused by an ambassador Car bearing No. RJQ 3191 on 2-4-1978 when he was going from Sumerpur to Sheoganj near the bridge on the river. He has claimed that the learned Motor Accidents Claims Tribunal, Jodhpur (for short 'the Tribunal') while accepting his contention that he was injured on account of rash and negligent driving of the Car by respondent No. 1 Shankerlal has held that only respondent No. 1 Shankerlal is responsible for the payment of the compensation awarded by it and it has absolved respondents No. 2 and 3 from the liability to pay the damages. While deciding S.B. Civil Misc. Appeal No. 174 of 1982 Shankerlal v. Shankerlal on 24-11-1987, I have already held that respondent No. 2 Magharam and respondent No. 3 National Insurance Company are equally liable to pay the amount of compensation and, therefore, I need not dwell on the

reasonings which impelled me to come to this conclusion.

2. The second contention of the appellant is that on account of this accident, he received as many as 7 injuries, out of which, two were grievous. The Doctor has proved the injury report as also the X-ray report. According to the Doctor, even on 20-5-1981 when his statement was recorded i.e. after about 3 years and one month of the accident, the claimant-appellant Shankerlal was limping by his leg and that has caused 10% permanent disability to him. On account of the accident, the claimant will have to limp throughout his life. According to the learned Counsel for the claimant-appellant, the award of Rs. 5,000/- is no compensation for that. Moreover, the injured received a grievous head injury as well. In the facts and circumstances of this case, I am convinced that the claimant-appellant should, be awarded Rs. 15,000/- as general damages for the injuries caused to him and the permanent disability resulting out of it.

3. The claimant-appellant has claimed Rs. 5,000/- as medical expenses but he has not been able to prove that he spent Rs. 5,000/- on medical expenses. The learned lower court has granted Rs. 500/- to him as medical expenses but looking to the facts and circumstances of this case in-which he received two grievous injuries and had to remain as an Indoor Patient for about 13 days and further he had to get himself treated not only at Pali but also at Ahemdabad and Nadiyad, in my opinion, he should be allowed Rs. 1,000/- as medical expenses. The learned lower court has allowed him Rs. 2,000/- on account of the loss of income, which, in the facts and circumstances of this case, appears to be reasonable.

4. I feel that the learned lower court has erred in granting him compensation of Rs. 7,500/-. In my opinion, he should have been granted compensation worth Rs. 18,000/- which is recoverable from the respondents jointly and severally. This amount of compensation shall carry interest @ 12% p.a. from the date of the filing of the claim petition.

5. In the result, this appeal is allowed in part. The amount of compensation awarded by the learned Tribunal i.e. Rs. 7,500/- is enhanced to Rs. 18,000/- and this amount of compensation shall carry interest @ 12% pa. from the date of the filing of the claim-petition. The expenses of both the courts are assessed at Rs.

1,000/- which the respondents shall pay to the claimant.

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