

(2000) 03 MP CK 0034

Madhya Pradesh High Court

Case No: Miscellaneous Appeal No. 506 of 2000

National Insurance Company
Limited

APPELLANT

Vs

Sudhakar and Others

RESPONDENT

Date of Decision: March 27, 2000

Citation: (2001) ILR (MP) 230 : (2000) 2 MPHT 174 : (2001) 1 MPLJ 292

Hon'ble Judges: Bhawani Singh, C.J; A.K. Mishra, J

Bench: Division Bench

Advocate: S.K. Rao, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Bhawani Singh, C.J.

This appeal by the National Insurance Company Limited is directed against the award dated 29-11-1999 passed by the Additional Motor Accident Claims Tribunal, Burhanpur in Claim Case No. 56 of 1997.

The claimant (respondent No. 1) is an employee of Bahadurpur Cotton Mill. He was earning Rs. 3000.00 per month. On 4-5-1997, he was along with his wife going to Shahpur in a tempo bearing No. M.P./12/6177. Truck bearing No. M.P./9/T/715 owned by the respondent No. 3 and driven by him, coming in excessive speed hit the tempo. The claimant sustained injuries in right shoulder and his left hand was fractured. The matter was reported to the police.

A claim petition was filed by the claimant before the Claims Tribunal alleging that the accident occurred due to rash and negligent driving of the truck by the respondents 2 and 3. It was alleged that due to the accident, the left hand of the claimant became disabled; therefore, he was entitled to compensation in the sum of Rs. 4,00,000.00. The respondents 2 and 3 did not appear before the Tribunal nor

filed their reply. The Tribunal therefore proceeded *ex parte* against the respondents 2 and 3 and the appellant contested the claim on all available grounds. Defence taken is that the driver of the truck was not holding a valid driving licence and, therefore, the appellant is not liable to pay the compensation. All these contentions were examined by the Claims Tribunal which ultimately gave an award of compensation of Rs. 1,15,000.00 with interest at the rate of 8% per annum assessing the disability of the claimant to the extent of 25%.

Learned counsel for the appellant submits that the award is excessive particularly against items of inconvenience and medical treatment. Permission was sought from the Tribunal for raising all kinds of objections against the claim. We have considered these submissions.

So far as driving licence is concerned, plea raised has not been substantiated by production of legal evidence; therefore, it has rightly been rejected by the Tribunal. With respect to the award of compensation, it may be stated that the injured sustained injuries which are quite serious in nature as stated by Doctor who has assessed the disability to the extent of 25%. If the circumstances of the case and the seriousness of the injuries are seen, the claimant has suffered a lot on account of the same and had to get iron pins inserted during the course of medical treatment. Obviously, the manner of treatment goes to show that the injuries and sufferings sustained by the claimant are of high orders; therefore, the assessment of compensation is quite reasonable and justified particularly with respect to the award of compensation of Rs. 75,000.00 towards inconvenience on which great emphasis was laid by learned counsel for the appellant. We find that this award of Rs. 75,000.00 towards inconvenience to which the claimant has been put for future is just and proper and does not call for any interference. Similarly, compensation of Rs. 20,000.00 towards medical expenditure is also just and proper. On other heads, compensation granted is quite reasonable and no ground is made out for interference.

In the result, the appeal is dismissed being without any merit.