

(2003) 08 MP CK 0037

In the Madhya Pradesh High Court

Case No : Miscellaneous Appeal No. 1791 of 2002

Govind Singh

APPELLANT

Vs

Satish Kumar and Others

RESPONDENT

Date of Decision : 14-08-2003

Acts Referred:

Motor Vehicles Act, 1988 — Section 168, 171, 173

Citation : (2004) 2 MPHT 10

Hon'ble Judges : A.M. Sapre, J

Bench : Single Bench

Advocate : H.S. Rajpal, for the Appellant;

Final Decision : Dismissed

Judgement

A.M. Sapre, J.—Having heard learned counsel for appellant and having perused record of the case, I find no merit in the appeal which seeks to challenge the award dated 19-8-2002, passed by learned 1st Additional Member, Motor Accident Claims Tribunal, Ujjain in Claim Case No. 186 of 1999 by the claimant.

2. It is an injury case. The Tribunal awarded Rs. 18,000/- together with interest at the rate of 9% p.a. from the date of award till realisation. Claimant says that it is inadequate, and hence, wants more. In my view, what is awarded, is legal, proper and reasonable. It is good and commensurate with the nature of injury suffered by the claimant.

3. What is material and decisive in accident cases is not the causing of an injury only, but its resultant disability in the body. If it is found that injury though caused due to accident did not result in any kind of permanent or partial disablement, then in such eventuality there arise no question of granting any compensation except what is provided under the Act for pain/suffering and expenses etc.

4. In this case, the Tribunal found as a fact that the nature of injury sustained by the claimant was simple and did not cause any permanent or partial disablement

to the claimant. Accordingly, only Rs. 18,000/- was awarded by way of compensation under different heads. I do not find any illegality in the impugned award, as the finding returned is just and proper. Learned Counsel for the appellant could not point out to me any infirmity in the impugned award. The claimant should feel fortunate that he did not suffer any permanent injury and survived in the accident. He should thank God.

5. In a recent decision of the Supreme Court their Lordships have cautioned while awarding compensation in motor vehicles cases. Their Lordships have held that what is required to be awarded is not a bonanza or bounty to the claimant, but, it should be a just compensation depending upon the facts of each case. There is no mathematical formula prescribed for awarding compensation and hence, Courts are required to take into account all facts and circumstances of each case, nature of injury and other relevant factors and then just compensation is required to be determined. Since, in this case, I am not able to find any such factors which may entitle the claimant to award more compensation than the one awarded by the learned Claims Tribunal, no interference is called for.

6. Appeal, thus, fails and is dismissed.