

(1986) 03 SHI CK 0007
In the High Court Of Himachal Pradesh
Case No : FAO (MVA) No. 175 of 1985

Himachal Road Transport Corpn., Shimla	APPELLANT
Vs	
Miss Neena and Another	RESPONDENT

Date of Decision : 06-03-1986

Acts Referred:

Motor Vehicles Act, 1939 — Section 110B

Citation : (1987) 2 ACC 163 : (1987) ACJ 642 : AIR 1987 HP 32 : (1986) 15 ILR HP 142

Hon'ble Judges : P.D. Desai, C.J

Bench : Single Bench

Advocate : Deepak Gupta, for the Appellant;

Final Decision : Dismissed

Judgement

P.D. Desai, C.J.—The finding of the Tribunal on the issue of negligence is incapable of being assailed. On appreciation of the evidence, the Tribunal has rightly attributed negligence to the driver of the Bus owned by the appellant.

2. On the quantum of damages, no interference is called for, since the Tribunal's award in the total sum of Rs. 40,000/- does not appear to be beyond the brackets on the facts and in the circumstances of the case, even assuming that the quantification thereof under different heads may not be strictly accurate. The relevant evidence has been elaborately discussed in paras 9 and 10 of the judgment. The victim of the accident was a young girl, aged about 17. She lost all the four incisors of the upper jaw. The lower left central incisor was also broken. The medical evidence is clear on the point that there is disfigurement of the face on account of change of appearance. The medical evidence further is to the effect that even artificial teeth or denture would not restore the normal appearance of the face. In such cases, there cannot be any algebraic or mathematical formula for the award of compensation. Compensation in whatever sum awarded would not really mitigate the lasting effect of the damage caused. It is indeed quite impossible to make adequate compensation in terms of money

for the tragic consequences of the injury lasting for the lifetime of the surviving victim of an accident, for money cannot renew a physical frame that has been battered and shattered and alleviate the pain and suffering and restore the lost pleasure and enjoyment of life. This is all the more true when the victim is a young girl, the course of whose whole life is fundamentally affected as a result of the disabilities flowing from the accident. The Court must still assess the compensation, however, bearing in mind all the relevant circumstances of the case, as they are known up to the time of the trial, and, as far as they can for the future be reasonably foreseen guided by the overall consideration that the injured person should be given a sum even if it appears to some minds to be "daunting in its immensity", which would ensure a just compensation to him or her. The lump sum compensation in the sum of Rs. 40,000/- awarded in this case cannot be regarded as excessive so as to warrant interference in appeal. The appeal is, therefore, summarily rejected.