
(1999) 07 MP CK 0031

In the Madhya Pradesh High Court

Case No : Miscellaneous Appeal No. 952/97

MPSRTC and Another

APPELLANT

Vs

Smt. Chandrakanta alias Chandrakala

RESPONDENT

Date of Decision : 31-07-1999

Acts Referred:

Citation : (2000) 2 MPHT 190

Hon'ble Judges : Jayant Govind Chitre, J

Bench : Single Bench

Advocate : H.M. Zelawat, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

J.G. Chitre, J.—On 08-05-95, the respondent Smt. Chandrakanta alias Chandrakala, daughter of Dhannalal Lad was travelling in the bus bearing Registration No. MTH-7922 belonging to the Madhya Pradesh State Road Transport Corporation (hereinafter referred to as "Corporation" for convenience). When the said bus was proceeding from Indore towards Dhar, the tyre of the bus got burst and resultantly the bus dashed against a tree which resulted in injuries to the respondent Chandrakanta's lip and on her leg. The lip was cut and on account of that and as per the allegation of Chandrakanta, she suffered permanent disfiguration. The Tribunal granted compensation to the claimant Chandrakanta, to the tune of Rs. 26,400/- with interest at the rate of Rs. 12/-per cent per annum and that is put to challenge in this appeal.

2. Shri Zelawat, counsel appearing for the appellant submitted that the injuries sustained by Chandrakanta were not serious, grievous and were not causing any disability to her. He prayed that the Tribunal should have dismissed the claim petition. If not, the amount should have been reasonable. He prayed for setting aside the said award at least for modifying it.

3. The learned Member of the Tribunal pointed out in para 14 of the judgment that Chandrakanta stated in her evidence that on account of said cut to the lip,

she had been disfigured so far as her face is concerned. She also pointed out in her evidence that she is an unmarried woman and putting her service as a teacher. It is her evidence that on account of the injuries sustained on the lip and leg she sustained pain and suffered in medical expenses.

4. One has to consider the injury caused to a woman on her face by putting oneself in the place of such a woman. The respondent Chandrakanta happens to be a teacher and her age happens to be 51 years. After the injuries which she has sustained, she would be finding it embarrassing to appear in the public. Atleast, her face has been disfigured permanently and that too on account of no fault on her part.

5. It is the duty of the appellant No. 1-Corporation to keep all the buses belonging to it in road-worthy condition. When that bus was put to operation for going to Barwani from Indore via Dhar, it was the duty of the employees of the Corporation to see that every part of the bus was in good condition. A public transport vehicle-owner, driver should not permit himself to be casual and negligent in taking out the vehicle on the road for public cause and for transporting the goods or the passengers without ascertaining its road worthiness. If any part of the vehicle gives the way, he has to be ready to suffer the consequences, if on account of non-worthiness of such vehicle, passenger travelling through it suffers an injury, which would cause a permanent disfiguration of the face, lip or the body of any passenger. He has to shoulder the responsibility of compensating such passenger. When that passenger happens to be a woman, that compensation should be adequate enough to compensate her so far as disfiguration of her face is concerned. The age of the victim in this context does not play much important role because every human being, more probably a female being wants that her face should be good looking. Therefore, the compensation of Rs. 25,000/- granted to the respondent on account of disfiguration of her face on account of cut of the lip is quite proper and in no way excessive. Rs. 1,000/- granted for pain and suffering as well as medical expenses are also not excessive. Interest allowed @ 12% per annum from the date of filing of the claim petition is also not excessive.

6. In the result, this appeal fails and thus, stands dismissed with costs.