
(2013) 12 GUJ CK 0187
In the Gujarat High Court
Case No : First Appeal No. 421 of 2006

Pramodbhai Ambalal Dani	Vs	APPELLANT
Ganeshji Lakhaji and Others		RESPONDENT

Date of Decision : 11-12-2013

Acts Referred:

Citation : (2013) 12 GUJ CK 0187

Hon'ble Judges : M.D. Shah, J

Bench : Single Bench

Advocate : Sandip C. Shah, No. 1, for the Appellant; Rituraj M. Meena, Advocate for the Respondent No. 3, for the Respondent

Final Decision : Partly Allowed

Judgement

M.D. Shah, J.—This appeal has been filed by the original claimant under Sec. 173 of the Motor Vehicles Act 1988 being aggrieved and dissatisfied with the judgment and award dated 31-3-2005 passed by the Motor Accidents Claims Tribunal Court No. 2, Ahmedabad, in MACP No. 428 of 1996. The claim petition has been filed by the injured claimant claiming compensation for injuries suffered by him in an accident which took place on 10-3-1996 at 9.00 a.m. It was contended that the claimant was proceeding from Stadium Cross Road towards Parimal Crossing on scooter and when he tried to cross the road, offending Maruti Car No. GJ-1-RR-3255 driven by its driver rashly and negligently dashed the scooter causing the claimant to throw off from the scooter and in turn causing him injuries. After hearing the learned advocates appearing for the parties and considering oral as well as documentary evidence on record, the impugned award was passed by the Tribunal.

2. I have heard learned advocates for the claimant as well as the insurance company and have also taken into consideration the relevant documents such as FIR and panchnama and other evidence.

3. The learned advocate for the appellant has restricted his arguments only on

the quantum awarded. He contended that the claimant was a practising advocate and considering the income and age, award may be enhanced.

4. It is to be noted that the claimant is a practising advocate and assessment order of Income Tax Department for the Assessment Year 1995-96 is on record and with the consent of the advocate of the insurance company in the Tribunal said document was exhibited as Ex. 40. Considering income of the claimant as Rs. 80,000/- per year as shown in the said assessment order, disability at 15%, 20% negligence of the claimant and age of the claimant as 55 years, in light of judgment of Hon^{ble} Supreme Court in case of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, if an amount of Rs. 80,000/- is additionally awarded together with interest @ 9% per annum on that additional amount it will meet the ends of justice. In view of the above, First Appeal requires to be allowed in part.

5. Thus, First Appeal is partly allowed. The claimants are entitled to an additional compensation amount of Rs. 80,000/- with interest @ 9% per annum on the said additional amount. The impugned judgment and award is modified only to the aforesaid extent. The remaining part of the impugned judgment and award would remain unaltered. The Insurance Company shall deposit the additional amount with interest within a period of eight weeks from today. Office to send back the records and proceedings, if any, forthwith.