
(2003) 01 MP CK 0010
In the Madhya Pradesh High Court
Case No : M.A. No. 1356 of 2001

Rajendra Kumar	Vs	APPELLANT
Udai Prakash and Others		RESPONDENT

Date of Decision : 13-01-2003

Acts Referred:

Citation : (2005) ACJ 2158

Hon'ble Judges : S.L. Kochar, J;Deepak Verma, J

Bench : Division Bench

Advocate : G.K. Neema, for the Appellant; S.S. Swami and P. Mitha, for the Respondent

Final Decision : Allowed

Judgement

Deepak Verma and S.L. Kochar, JJ.—This appeal is by the claimant-appellant for enhancement of the amount of award awarded by XII Addl. M.A.C.T., Indore in M.V. Case No. 200 of 1999 whereby the appellant for his permanent injuries said to have been caused to him in a road motor accident, has been awarded a sum of Rs. 3,78,000.

2. We have perused the evidence of Dr. Dakvale, PW 6, examined on behalf of the appellant. We have also perused evidence of PW 3 Rajendra. From their evidence, it is clearly established that appellant has been rendered incapable of performing any duties. It is a matter of record that appellant has suffered paralysis on account of the said accident which he would have to carry on till he is alive. It has also come on record that he has been removed from his job after this accident. At the time of accident, he was aged 48 years and was working as Manager in a transport company and was earning Rs. 5,000 per month.

3. Looking to the facts and feature of the case, we find that the amount awarded is on a lower side. The same deserves to be enhanced to a lump sum amount of Rs. 5,00,000 (rupees five lakh only). The difference amount of Rs. 1,22,000 would carry interest at the rate of 9 per cent per annum from the date of the

application till it is paid. The impugned award is, therefore, modified to the extent mentioned above.

4. Appeal is allowed to this extent with costs throughout. Counsel fee Rs. 1,000, if certified. However, as per the order of the Tribunal, no liability is fastened on respondent No. 4 insurance company.