
(2003) 01 MP CK 0020
In the Madhya Pradesh High Court

Rajendra Kumar

APPELLANT

Vs

Udai Prakash

RESPONDENT

Date of Decision : 13-01-2003

Acts Referred:

Citation : (2005) 1 ACC 605

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

Bench : Division Bench

Judgement

Deepak Verma, J.—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. 200/99 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 doctor Dakvale P.W. 6 examined on behalf of the appellant. We have also perused evidence of P.W. 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 features 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 lakhs only). The difference amount of Rs. 1,22,000/- would carry interest @ 9% p.a. 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.