

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 28 of 1991

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT  
and  
Hon'ble MR.JUSTICE A.L.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

-----  
GUJ STATE ROAD TRANSPORT CORPN

Versus

NATWARLAL HIMATLAL BRAHMBHATT

-----  
Appearance:

1. First Appeal No. 28 of 1991  
MR HARDIK C RAWAL for Petitioner No. 1  
MR MTM HAKIM for Respondent No. 1
- 

CORAM : ACTING CHIEF JUSTICE MR.JN BHATT  
and  
MR.JUSTICE A.L.DAVE

Date of decision: 27/06/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

By this appeal, the appellant - original opponent - Gujarat State Road Transport Corporation, has assailed the judgement and award of the Motor Accident Claims Tribunal (Main) Baroda, passed on 19th January, 1990, in MACP No. 684 of 1986, in which the Tribunal, upon consideration of the facts and circumstances and on examination of the evidence, reached to the conclusion that the road accident which caused injuries to the respondent in the appeal, was due to rash and negligent driving on the part of the driver of the bus, and considering the nature and number of injuries sustained by the original claimant, the type of avocation, the extent of disablement, age and prospective loss of earnings on account of permanent partial disablement, and also the amount of pain, shock and suffering so far suffered, and the victim of the road accident is likely to suffer, reached to the conclusion that the respondent before us - original petitioner, victim of road accident, is entitled to compensation of an aggregate amount of Rs. 63,700/-- for the negligent act on the part of the driver of the ST bus. Hence, this appeal.

2. We have heard learned Advocate appearing for the parties. Upon considering the factual matrix and relevant proposition of law, the injury resulting into serious impact of the vehicle, integrity of the victim and the period of treatment in the hospital and thereafter in the outdoor for long, and the extent of permanent partial disablement to the extent of 50% supported by the medical evidence of Dr. Patel, we are of the opinion that the amount of compensation awarded by the Tribunal cannot be said to be unjust, unreasonable or excessive, requiring our interference in exercise of our appellate power. The appeal therefore deserves to be dismissed while confirming the impugned judgement and award. The appeal shall therefore stand dismissed without any order as to costs.

(J.N.Bhatt, Acting C.J.) (A.L.Dave, J.)

\*/Mohandas