

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAI PUR BENCH, JAI PUR

JUDGMENT

SB CIVIL MSC. APPEAL NO. 2/2005
Rajasthan State Road Transport Corporation V/s
Ramesh Chand & anr.

28. 8. 2006

HON'BLE MR. JUSTICE P. S. ASOPA

Mr. Vi rendra Agarwal, for the appellant.
Mr. Chandra Deep Singh, for the respondents.

This appeal has been filed by the RSRTC challenging the award dated 13.10.2004 passed by the MACT cum Additional District Judge (Fast Track No. 1), Bharatpur in MAC case No. 591/2004 whereby award of Rs. 2,25,000/- has been awarded in favour of the injured appellant.

The facts, in brief, of the case are that on 9.1.2004, a claim petition was filed by the claimant on account of loss suffered due to road accident occurred on 18.9.2003 at about 1 p.m. when he was going on Motor Cycle and suddenly a Bus No. RJ-05-P-0879 coming from back side hit him. The Claims Tribunal considered the fact that left leg of the appellant was seriously injured and the treatment has taken place in Agra where his left

Leg from the knee has been imputed. The injured was 42 years of age and was mechanic of Tractor Engine and was earning Rs. 6,000/- per month. As a result of the said injury, 50% disability was caused to the injured claimant.

The Claims Tribunal considering all the facts and circumstances awarded lump sum amount of Rs. 1,80,000/- for physical pain and mental agony, loss of earning and future prospect and Rs. 45,000/- has been awarded for medical treatment, medicines, nutritious food etc. Thus, in all Rs. 2,25,000/- was awarded to the injured claimant.

The submission of Mr. Agarwal, counsel for the appellant is that the finding of the Tribunal on issue No. 1 of rash and negligent driving is not correct as no independent witness was examined. Further the Driver of the vehicle Shri Dhanesh Chand appeared in the witness box and denied the same, but still the facts have not been considered.

Mr. Chandra Deep Singh, appearing on behalf of Mr. Ramesh Chand – claimant respondent No. 1 has submitted that the Tribunal has rightly assessed the evidence on record and came to the conclusion

that the Bus Driver was negligent.

I have gone through the award of the Claims Tribunal and am of the opinion that lump sum amount of Rs. 1,80,000/- awarded by the Claims Tribunal for physical pain and mental agony, loss of earning and future prospect, is just, proper and legal and further Rs. 45,000/- for medical treatment, medicines, nutritious food etc. has rightly been awarded. There is no error in deciding the issue No. 1 against the appellant and the assessment has been made in just, legal and proper manner.

Accordingly, the appeal fails and is dismissed.

(P. S. ASOPA) J.

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