

S.B. CIVIL MISC. APPEAL NO. 39/2001

Date 30.01.2006

HON'BLE MR. BHAGWATI PRASAD,J.

Mr. S. Sarupariya for the appellant.
Mr. Anil Bachhawat for the respondent.

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Heard.

This appeal is for the enhancement of the award. The claimant, a driver in Hindustan Zinc Ltd has suffered crushing fracture of Tibia bone and for that he has been awarded Rs. 30,000/- which appears to be on the lower side because as and when a bone suffers crushing fracture, the bone becomes almost redundant and in that instant case, it has resulted into shortening of leg. Therefore, Rs.30,000/- is not considered to be appropriate and the same is enhanced to Rs.60,000/-.

The Tribunal has awarded Rs. 30,000/- for suffering. As and when suffering occurs due to injury on the bone, the suffering is too great to be diluted by grant of Rs.30,000/- and therefore, the same is also considered to be on the lower side and is enhanced to Rs. 60,000/-. His absence from duty has been for a pretty long time and he was hospitalized eight times. The grant of Rs. 15,000/- for absence of duty is again on the lower side and the same deserves to be enhanced and consequently, is enhanced to Rs. 40,000/-. In this manner, the claim amount gets enhanced to Rs. 2,10,000/-.

The appeal is allowed. The tribunal will frame a fresh award as indicated above.

(BHAGWATI PRASAD), J.

bjsh