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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER

IN

S. B. Civil Misc. Appeal No. 205/2010

Satish Vs. Sujan Singh and Others

Date of Order ::: 31.10.2011

Present

Hon'ble Mr. Justice Mohammad Rafiq

Shri Kailash Kumawat for
Shri Virendra Singh Choudhary, counsel for
appellant

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By the Court: -

Claimant-appellant has filed this appeal being aggrieved by award dated 21.10.2009 of Motor Accident Claims Tribunal (Additional District & Sessions Judge, Fast Track No.1), Bharatpur, in MAC Case No.85/2009, whereby learned Tribunal awarded compensation of Rs.15,100/- in favour of appellant against a claim of Rs.10,43,000/-.

Contention of learned counsel for appellant is that a very meager sum has been awarded by learned Tribunal in favour of appellant as compensation though learned Tribunal has held that the accident took place due to rash and negligent driving of respondent driver and on account of which he sustained fracture in his left leg and after operation a rod was shifted in the leg. The appellant at the relevant time was 27 years of age and earning Rs.6000/- per month and, on account of the fracture sustained by him, he could not perform

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his work for about one year. It is therefore prayed the appeal may be allowed and amount of compensation may be suitably enhanced.

Having heard learned counsel for appellant and perused material on record, I am of the view that learned Tribunal has rightly awarded the compensation of Rs. 15,100/-. The claimant-appellant failed to prove how much permanent disability he suffered due to the fracture. Learned Tribunal has held that appellant has not suffered any permanent disability. The appellant suffered two injuries in the accident, out of which one was simple injury and another injury was of grievous nature. Learned Tribunal has rightly awarded Rs. 5000/- for the grievous injury and Rs. 1000/- for simple injury. It has also awarded Rs. 3000/- under the head of physical pains and mental agony, loss of income, nutritious food, transportation etc. It has further awarded actual expenses of Rs. 6,100/- incurred on medicines. I do not find any infirmity or illegality in the impugned award, which calls for any interference in this appeal.

The appeal is accordingly dismissed.

(Mohammad Rafiq) J.