

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**FIRST APPEAL No. 13 of 2012****For Approval and Signature:****HONOURABLE MR.JUSTICE KS JHAVERI**

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of
the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the constitution of
India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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LEELABEN RANCHODBHAI - Appellant(s)**Versus****RATNABEN DEVJIBHAI & 2 - Defendant(s)**

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Appearance :

MS AMRITA AJMERA for Appellant(s) : 1,

None for Defendant(s) : 1, 1.2.1, 1.2.2 - 3.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**Date : 31/01/2012****ORAL JUDGMENT**

1. This appeal has been preferred against the judgment and award dated 20.10.2008 passed by the Motor Accident Claims Tribunal [Aux.] in M.A.C.P. No. 377 of 1999, whereby the claim petition was partly allowed and the original claimants were awarded total compensation of Rs.2,54,700/- along with interest @ 9% per annum from the date of the application till its realization.

2. The facts in brief are that on 10.01.1999 at around 0300 hours, while appellant along with other labourers were on their way to Ratanpur in a tractor, at a particular place, a truck bearing no. GJ-2T-7842, driven by opponent no. 1, in a rash and negligent manner, dashed the tractor, as a result of which, the appellant received severe bodily injuries. Later on, the appellant filed claim petition, which came to be partly allowed, by way of the impugned award. The present appeal has been filed for enhancement of the amount of compensation.

3. Heard learned counsel for the respective parties and perused the documents on record. It has been contended on behalf of the appellant that the Tribunal has not properly considered the income under the head of prospective income. It is contended that the Tribunal has ought to have considered 100% permanent disability looking to the injuries sustained by the appellant. It has been submitted on behalf of the appellant

that the amount awarded by the Tribunal under different heads is on the lower side. However, having gone through the impugned award, I find that the compensation awarded under the respective heads are just and appropriate and in consonance with the evidence on record and the law on the subject. I am in complete agreement with the reasonings given by and the conclusion arrived at by the Tribunal and hence, I find no reasons to entertain the present appeal.

4. For the foregoing reasons, the appeal is dismissed. No order as to costs.

[K.S. JHAVERI, J.]

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