

## IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## FIRST APPEAL No. 1524 of 2002

**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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**POONAMBHAI AMULBHAI CHUNAR - Appellant(s)**

**Versus**

**VALJIBHAI VAHIJIBHAI RABARI & 2 - Defendant(s)**

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**Appearance :**

MR SANDIP C SHAH for Appellant(s) : 1,  
NOTICE SERVED for Defendant(s) : 1 - 3.  
MR GC MAZMUDAR for Defendant(s) : 3,  
MR HG MAZMUDAR for Defendant(s) : 3,

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**CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**

**Date : 31/01/2012**

**ORAL JUDGMENT**

1. Heard learned advocates for the parties and perused the papers on record.

2. The appellant herein has challenged the award dated 03.01.2000 passed by the Motor Accident Claims Tribunal Ahmedabad in Motor Accident Claims Petition No. 1134 of 1992 so far as the Tribunal awarded only Rs. 2,15,500/- as compensation with interest at 12% per annum.

3. It is the case of the appellant that on 01.04.1992 while the appellant was travelling with his goods in a tanker bearing registration no. GJ-1 T 4977 being driven by the original opponent no. 1 in a rash and negligent manner, the tanker dashed with a tree as a result of which the appellant sustained injuries on various parts of the body. The appellant therefore filed claim petition to the tune of Rs. 7,00,000/-. The Tribunal after hearing the parties passed the aforesaid award.

4. Mr. Shah, learned advocate appearing for the appellant submitted that the Tribunal failed to take into consideration the entire facts of the case and evidence on record and thereby erred in awarding adequate amount under various heads. He submitted that the Tribunal has wrongly assessed the income of the appellant and the disability.

5. As a result of hearing and perusal of records, this court is of the view that considering the evidence on record and the facts and circumstances of the case, the Tribunal came to the conclusion that the appellant sustained injuries as a result of the rash and negligent driving of the original opponent no. 1. The Tribunal has assessed the disability of the whole body at 15%. The Tribunal also assessed the monthly income of the appellant at Rs. 5000/-. Nothing is pointed out before this

Court to take a contrary view. The Tribunal has finally quantified the amount of compensation at Rs. 2,15,500/-. This court is in complete agreement with the reasonings adopted and findings arrived at by the Tribunal and therefore do not see any reason for causing interference.

6. In the premises aforesaid, appeal is dismissed. No costs.

(K.S. JHAVERI, J.)

Divya//