

NON-REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 433 OF 2022
(Arising out of SLP(Civil) No. 17026/2021)

Shivdhar Kumar Vashiya

...Appellant

Versus

Ranjeet Singh and others

...Respondents

J U D G M E N T

M.R. SHAH, J.

1. Leave granted.

1a. Office Report dated 20.01.2022 indicates that ‘No one has entered appearance on behalf of respondent nos. 3 & 4 – Insurance Companies, though served through registered A.D. post.

2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 24.08.2020 passed by the High Court of Chhattisgarh at Bilaspur in MAC No. 623/2014, by which the High Court has partly allowed the said appeal preferred by the claimant and enhanced the

compensation to Rs.27,36,541/- only, the original claimant has preferred the present appeal.

3. That in a vehicular accident between the motor cycle driven by the claimant and the trailer bearing registration No. CG/12/D/8188, the claimant suffered grievous injuries. He was taken to CIMS Hospital, Bilaspur and then to Apollo Hospital, Bilaspur. He remained as indoor patient for 45 days. The claimant suffered multiple injuries over his face; lacerated wound on scalp temporal region; lacerated wound on right ear, swelling over right leg suspected fracture. Discharge Summary issued by the Apollo Hospital, Bilaspur reads as under:

“There was rashes all over the body. Possibility of eption toxicity was there so eption was stopped. Gradually he was improving well. At the time of discharge he was looking around, left sided spontaneous movement, right hemiparesis – G-I-II/V, accepting orally semisolid diet without cough; tracheostomy stoma closed; afebrile; voiding on male catheter, it has been explained to relatives that he will improve gradually. The exact extent and duration of recovery is difficult to predict.”

3.1 Doctors of the Medical Board examined the claimant and the doctors assessed 82% permanent disability and it was found that the condition of the claimant is not likely to improve. On evidence, it was found that the claimant is bedridden and not in a position to do/perform his daily activities without the help of others.

3.2 The claimant approached the Motor Accident Claims Tribunal, FTC, Korba (CG) (for short, 'the Tribunal') claiming compensation under different heads. On appreciation of evidence, the Tribunal assessed the permanent partial disability at 70%. The Tribunal awarded a total sum of Rs.19,98,000/- towards the compensation under different heads. In an appeal preferred by the claimant, the High Court has enhanced the compensation to Rs. 27,36,541/-, instead of Rs.19,98,000/- as awarded by the Tribunal.

3.3 Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court, the claimant has preferred the present appeal.

4. This Court vide order dated 10.11.2021 issued limited notice to consider the case for enhancement of amount towards loss of amenities, joy and pain/sufferings.

5. Having heard learned counsel for the claimant and looking to the grievous injuries suffered by the claimant and permanent partial disability and prolonged hospitalisation and the operations performed for right subfrontal craniotomy and evacuation of basifrontal contusion [03.10.2011]; repair of right ear [03.10.2011]; closed unreamed tibial interlock nailing [03.10.2011]; and Tracheostomy [05.10.2011], we are of the opinion that Rs. 50,000/- awarded towards loss of amenities, joy and Rs. 50,000/- awarded towards pain/sufferings respectively can be said to

be on the lower side. In the facts and circumstances of the case, we are of the opinion that under the aforesaid heads, namely, loss of amenities, joy and towards pain/sufferings respectively, if a further sum of Rs.2,00,000/- [over and above Rs.1,00,000/- (Rs. 50,000/- on each count)] is awarded, it will meet the ends of justice.

6. In view of the above and for the reasons stated above, the present appeal is allowed in part. The impugned judgment and order passed by the High Court is modified and it is held that the claimant shall be entitled to a total sum of Rs.29,36,541/- under different heads including a total sum of Rs.3,00,000/- under the heads “loss of amenities and joy and pain/sufferings”, which shall carry interest at the rate of 7% per annum from the date of application till its realisation. No order as to costs.

.....J.
[M.R. SHAH]

NEW DELHI;
JANUARY 21, 2022.

.....J.
[SANJIV KHANNA]