

Nagesha

Vs

M.S. Krishan And Another

Civil Appeal No. 4670 of 1997

(CJI J.S. Verma, K. Ramaswamy, B.N. Kirpal JJ)

11.07.1997

ORDER

1. Leave granted.
2. The question involved in this appeal is whether the award of Rs. 2,85,000 as the total compensation to the appellant is adequate so that no further enhancement is required to be made therein. Admittedly, the appellant suffered serious injuries as a result of the motor accident because of which he was hospitalised for about four months during which he had to undergo serious surgical operations. Even after the treatment the appellant is not cured and he has been paralysed for life. The extent of permanent disablement is assessed at 95 per cent. The appellant was aged about 23 years at the time of the accident in 1992.
3. On the face of it the amount awarded as total compensation appears to be inadequate. However, learned counsel for Respondent 2 - the insurer contended that the amount awarded as compensation is adequate and no enhancement therein is called for.
4. The adequate compensation in the present case has to be determined taking into account the admitted facts and the requirements of the appellant on account of the permanent disability suffered by him. It is also clear that he requires medical attention for the rest of his life and constant care of some other person even for his ordinary needs. These are the facts which are too obvious to require adducing of any evidence since these are the evident facts.
5. In our opinion, on an assessment of the overall requirement of the appellant for the remaining life, the amount of compensation should be adequate to provide for the same according to the current money value. We are satisfied that an amount of Rs. six lakhs in all is the appropriate compensation which should be awarded to the appellant.
6. Accordingly, this appeal is allowed. The total amount of compensation under all heads inclusive of interest to be paid to the appellant is Rs six lakhs. After deducting the amount already paid to the appellant, the balance amount be deposited in the Tribunal within a period of four weeks failing which it would carry an interest at the rate of 12 per cent per annum.
7. The balance amount would be paid to the appellant through the Tribunal which would ensure that the amount in excess of that which is required for clearing any existing liabilities of the appellant would be kept in fixed deposit in a bank. The payment of the amount would be monitored by the Tribunal in this manner.

8. No costs.