

Amar Singh

Vs

Ishwar and Others

Civil Appeal No. 1917 of 1998

(S. B. Majumdar, A. P. Mishra JJ)

06.04.1998

ORDER

1. Leave granted. With the consent of learned counsel for the parties, appeal is heard finally.
2. The appellant is the claimant. The respondent-insurance company is the real contesting party. Other respondents are served. On account of a vehicular accident, the appellant suffered grievous injuries. He had to undergo hospitalisation for more than three years though intermittently. Medical bills of Rs. 1,11,611 were fully awarded by the Tribunal. However, on pain, shock and suffering, only Rs. 50,000 were awarded. That award was confirmed by the High Court by the impugned judgment. In our view, on the peculiar facts of this case, as the appellant has suffered prolonged period of hospitalisation and undergone operations and as the medical evidence showed that he had suffered permanent disability to the tune of 30% though there was no evidence of shortening of leg, the award of Rs. 50,000 on the head of pain, shock and suffering appears to us to be on the lower side.
3. Under these circumstances, we deem it fit to enhance the award on that head by Rs. 50,000 more. With the result, the appeal will stand allowed to the extent of Rs. 50,000 which will be additionally paid apart from the amount granted by the Tribunal and as confirmed by the High Court. This additional amount of Rs. 50,000 shall be paid to the appellant with 12% interest from the date of the claim petition till payment. The respondent-insurance company shall deposit this additional amount with interest in the Tribunal Within eight weeks from today. The Tribunal will permit the appellant to withdraw the same towards full and final settlement of his claim in the present proceedings on due identification.
4. Appeal is allowed accordingly to the aforesaid extent. No costs.