

SUPREME COURT OF INDIA

Deo Kumar Singh

Vs.

C.B.P. Sinha

C.A.No.317 of 2009

(B.N. Agrawal and G.S. Singhvi JJ.)

19.01.2009

ORDER

1. Leave granted.

2. By the impugned order, Bihar State Consumer Disputes Redressal Commission [for short, 'the State Commission'] dismissed the complaint filed by the appellant in which he claimed compensation of Rupees ten lakhs by alleging that on account of negligence of the respondent wrong blood group came to be mentioned in the report of the laboratory and, as a result of that, his wife had to suffer two abortions. When the matter was taken in appeal, the National Consumer Disputes Redressal Commission [for short, 'the National Commission'], held that there was total failure on the part of the respondent in exercising adequate care in analyzing the blood which made his wife to go for abortions. Accordingly the National Commission awarded compensation of Rupees twenty five thousand together with interest @ 9&percent; per annum. Feeling dissatisfied, the appellant has filed this appeal.

3. Having heard learned counsel for the parties and perused the record, we are convinced that in the facts and circumstances of the case, the National Commission was not justified in awarding meagre compensation of Rupees twenty five thousand. When the National Commission found that the respondent was guilty of negligence in analyzing the blood and the wrong report given by him made the appellant's wife to suffer two abortions, higher compensation should have been awarded to him. In our view, in the facts and circumstances of the case, the ends of justice will be met if the appellant is awarded compensation of Rupees one lakh with interest.

4. Accordingly, the appeal is allowed in-part, the impugned order is modified and the respondent is directed to pay a sum of Rupees one lakh by way of compensation together with interest at the rate of nine per cent per annum form the date of passing of the order by the National Commission, i.e., 11th December, 2007, till payment is made. The respondent is directed to pay the entire amount to the appellant within a period of four months from today.