

Supreme Court of India

Shashendra Lahri vs Unicef And Ors. on 6 December, 1996

Equivalent citations: 1998 ACJ 859, (1997) 11 SCC 446

Bench: J Verma, B Kirpal

ORDER

1. Leave granted.

2. In a motor accident which occurred on 6.1.1977, the appellant Shashendra Lahiri suffered multiple injuries which required his treatment as an indoor patient in a hospital at Bhopal and then in a Bombay hospital for a considerable period. The injuries caused several fractures and bone-grafting was required to be done in Bombay. The appellant suffered permanent disability of shortening of his right leg by 3 inches. He was then a student of B.Com. aged about 17 years. It is common ground that the appellant thereafter continued his education and has a good academic career. The Tribunal awarded the sum of Rs. 33,000/- only with interest at the rate of 6 per cent per annum towards the claim of more than Rs. 6,00,000/- by the appellant. High Court has enhanced that amount to the total of Rs. 58,000/- with interest at the rate of 12 per cent per annum from the date of the claim, until payment. This further appeal by the claimant is for enhancement of that amount.

3. The narration of facts as above is sufficient to indicate that the total award of Rs. 58,000/- inclusive of the expenses, is too inadequate for the permanent disability suffered by the claimant. In the special leave petition, the appellant has said that the minimum enhancement of Rs. 4,00,000/- should have been made by the High Court in the facts and circumstances of the present case. In our opinion, this prayer of the appellant is quite reasonable. In view of the age of the appellant at the time of the accident and the prospects in view of his good academic career, the adverse effect of his permanent disability as a result of the motor accident on his future prospects, is much more than that assessed by the High Court. The award of a further sum of Rs. 4,00,000/- in addition to that awarded by the High Court is quite reasonable. In our opinion, enhancement of the amount of compensation to this extent has to be made at this stage.

4. For the above reasons, the appellant is awarded a further sum of Rs. 4,00,000 with interest thereon at the rate of 12 per cent per annum from the date of the claim till the date of payment in addition to the amount already awarded by the High Court.

5. The appeal is allowed with costs Rs. 5,000/-.