

Supreme Court of India

Amar Singh vs Ishwar And Ors. on 6 April, 1998

Equivalent citations: 1999 ACJ 809, AIR 1999 SC 3448, (1999) 123 PLR 529, (1999) 1 SCC 214

Bench: S Majmudar, A Misra

ORDER

1. Leave granted. With the consent of learned Counsel for the parties appeal is heard finally.
2. The appellant is the claimant. 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 lower side.
3. Under these circumstances, we deem it fit to enhance the award on that heard 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.