

IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ROOPESH CHANDRA VARSHNEY

ON THE 4TH OF SEPTEMBER, 2024

MISC. APPEAL No. 1111 OF 2011

SHIVNARAYAN

VS.

M/S. RAM TRADERS AND MOTORS AND ORS.

AND

MISC. APPEAL No. 1178 OF 2011

IFFCO TOKIO INSURANCE COMPANY LIMITED

VS.

SHIVNARAYAN AND ORS.

APPEARANCE

Shri O.P.Singhal, learned counsel for the claimant.

Shri B.K.Agrawal, learned counsel for the Insurance Company.

None for driver and owner of the offending vehicle.

ORDER

This common order shall govern disposal of M.A.No. 1111/2011 and 1178/2011 as both these appeals are filed against the common award dated 21/5/2001 passed by Second Additional Motor Accident Claims Tribunal to the Court of First Additional Motor Accident Claims

Tribunal, Morena in Claim Case No. 35/2011; whereby, claimant has been awarded a compensation of Rs. 15,790/- alongwith interest at the rate of 6% per annum from the date of claim case for the injuries sustained by him in road accident dated 3/4/2008/- and driver, owner and Insurance Company fastened with the liability of payment of compensation amount jointly and severally.

2. M.A.No. 1178/2011 has been filed on behalf of Insurance Company assailing the impugned award on the ground that learned Claims Tribunal erred in passing the impugned award on the basis of fraudulent documents produced on behalf of claimant. It is further submitted that it is settled principle of law that the conduct of witnesses in giving false evidence amounts to fabrication of false evidence which is a punishable offence under Section 191 and 192 of the IPC.

3. M.A.No. 1111/2011 has been filed on behalf of claimant seeking enhancement in the amount of compensation. According to learned counsel for the claimant that the amount of compensation as awarded by the impugned award on the lower side without looking to the nature of injuries, medical expenses, pain and suffering. The claimant spent around Rs. 1,50,000/- in his treatment of which he also produced evidence on record. Further learned Claims Tribunal erred in disbelieving the permanent disablement sustained by the claimant even after production of disability certificate Ex. P/75. It is further submitted that no amount has been awarded under the head grievous injuries and pain and suffering.

4. From the perusal of impugned award as well as record, it is clear that Claims Tribunal that the grounds raised by Insurance Company

have already been considered by Claims Tribunal while passing the impugned award ignoring the fabricated documents produced on behalf of claimant and this Court finds that same needs no interference. Further as regards appeal filed on behalf of claimant, it is clear that while passing the impugned award, no amount under the head pain and suffering has been awarded and further only Rs. 1,000/- for each injury has been awarded, therefore, this Court finds that an amount of Rs. 15,000/- in lump sum is liable to be enhanced in addition to the amount of compensation already awarded under the head grievous hurts and pain and suffering. Thereby making the total compensation amount to the tune of Rs. 30,790/-.

5. Accordingly while dismissing the appeal filed by Insurance Company, the appeal filed by claimant is allowed in part and he is held entitled to receive an enhanced amount of compensation of Rs.15,000/- in lump sum in addition to the amount of compensation already awarded. The enhanced amount of compensation shall carry interest @ 6% per annum from the date of claim case. Rest of the conditions as imposed by the Claims Tribunal including liability shall remain intact.

6. Impugned award is modified to the extent indicated hereinabove.

(ROOPESH CHANDRA VARSHNEY)
JUDGE

jps/-