

SLP(C)No. 13770 OF 1999

ITEM No.209

Court No. 8

SECTION IVA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.13770/1999

(From the judgement and order dated 03/02/1999 in MA 500/94
of The HIGH COURT OF M.P AT INDORE)

ZUMARLAL

Petitioner (s)

VERSUS

NANDKISHORE & ORS

Respondent (s)

(For Final Disposal)

Date : 23/03/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr.AK Chitale,Sr.Adv.
Ms.Shilpa Chitale,Adv.
Mr. Niraj Sharma,Adv.

For Respondent (s) Mr. B.K.Satija,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J
Leave granted.

Appeal allowed with no order as to costs.

(Usha Bhardwaj)
P.S. to Registrar

(V.P. Tyagi)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COUR OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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(Arising Out of S.L.P. (C) No.13770 of 1999)

Zumarlal

.....Appellant

-Vs.-

Nandkishore & Ors.

.....Respondents

ORDER

.SP2
.....L.....I.....T.....T.....T.....T.....T.....J
Leave granted.

Heard learned counsel for the parties. The appellant slipped and fell down while travelling by a bus. He was standing on the foot board. The bus ran over his legs. His right leg was overrun by the rear wheel of the bus and was entirely crushed and fractured. The appellant filed a claim before the Motor Accident Claims Tribunal claiming a compensation for Rs.4,00,000/-. The Tribunal did not grant any leave by holding that the accident occurred due to the negligence of the appellant himself and rejected the claim for compensation. On appeal the High Court set aside the findings of the Tribunal and granted compensation of Rs.1,00,000/-. The appellant's leg was amputated which is a permanent disability in nature. The High Court granted compensation of Rs.1,00,000/-. This Court in Muthaiah Sekhar vs. Nesamony Transport Corporation Ltd. & Anr. reported in 1998 (7) SCC 39, where a person's hip was dislocated granted compensation of Rs.3,00,000/. In another case in Shashendra Lahri vs. Unicef & Ors. reported in 1997 (11) SCC 446 where a person's leg was shorten the compensation awarded was of Rs.4,00,000/-.

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:2:

However, as in the present case the appellant is of 62 years of age justice would be done if total compensation is enhanced by further amount of Rs.1 lakh, the total comes to Rs.2 lakhs. We order accordingly.

The appeal is allowed. There shall be no order as to costs.

.SP1

(A.P. Misra)
.....J.

New Delhi:
March 23, 2001

(B.N. Agrawal)
.....J.