

& IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 8538 OF 2002

SUBHASH CHANDER

APPELLANT

VERSUS

HARYANA STATE THRU COLLECTOR & ORS.

RESPONDENTS

O R D E R

The appellant suffered injuries in a motor accident. The injuries suffered by him led to certain disabilities inasmuch as his right leg was shortened by about two inches and the movement of his right arm was also restricted to a great deal.

The Tribunal on a consideration of the materials brought before it awarded the appellant a compensation of Rs.1,95,500/- (Rupees one lakh ninety five thousand five hundred only). Aggrieved by the amount of compensation fixed by the Tribunal the appellant moved the High Court and the High Court raised the compensation to Rs.2,70,500/- (Rupees two lakhs seventy thousand five hundred only) along with interest at the rate of 12% per annum from the date of the application made before the Tribunal till the payment of the compensation amount. Still not satisfied with the amount of compensation, the appellant has brought this matter before this Court.

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Counsel appearing for the appellant submitted that the Tribunal recorded the finding that the appellant used to work as a T.V. Mechanic and was earning Rs.2,500/- (Rupees two thousand five hundred only) per month before the accident took place. After the accident and as a result of the disabilities suffered

by him, there was a total loss of his earning capacity and in case the compensation was calculated on that basis the amount would come to Rs.5,75,000/- (Rupees five lakh seventy five thousand only).

Unfortunately, no evidence was led by the appellant in regard to the loss of his income or his earning capacity. From the order of the Tribunal it appears that all that was said on his behalf was that before suffering the disabilities resulting from the accident he was earning about Rs.10,000/- (Rupees ten thousand only) per month (The Tribunal did not accept the appellant's claim and quantified his monthly income at Rs.2,500/-) But what is significant is that no evidence was led as to the appellant's capacity to earn after suffering the disabilities. We, thus, find that

there is no factual foundation for the submission being advanced before us. We are, therefore, unable to accept this submission.

We find that the High Court has allowed interest at the rather high rate of 12%. This would considerably increase the total amount payable to the appellant and alleviate his distress to a great extent.

We see no reason to interfere in the matter. The appeal is dismissed but with no order as to costs.

.....J.
(AFTAB ALAM)

.....J.
(R.M. LODHA)

New Delhi,
July 15, 2010

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 8538 OF 2002

SUBHASH CHANDER

Appellant (s)

VERSUS

HARYANA STATE THRU COLLECTOR & ORS

Respondent(s)

(With office report)

Date: 15/07/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Dr. Sushil Balwada, Adv.
Mr. Devendra Singh, Adv.
Mr. Satbir Tillania, Adv.
Mr. Arun Singh, Adv.

For Respondent(s) Mr. A.K. Raina, Adv.
Mr. R.D. Upadhyay, Adv.
Rr-Ex-Parte

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

The appeal is dismissed in terms of the
signed order.

(Neetu Khajuria)
Sr.P.A.

(R.K. Sharma)
Court Master

(Signed order is placed on the file.)