

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3247 OF 2020

(Arising out of SLP (Civil) No.11423 of 2020  
arising out of Diary No.22973/2018)

GOVERDHAN

Appellant

VERSUS

ABBUBAKAR & ORS.

Respondents

**O R D E R**

Though there is delay of 1937 days in preferring the appeal, considering the facts and circumstances on record, we deem it appropriate to condone the delay.

Leave granted.

This appeal challenges the judgment and order dated 06.12.2012 passed by the High Court of Chhattisgarh, Bilaspur in Misc. Appeal (C) No.641 of 2006.

While considering the claim for compensation made by the appellant, the Tribunal awarded him a sum of Rs.5,06,943/- (Rupees Five Lakhs Six Thousand Nine Hundred Forty Three Only) with simple interest @ 7.5% per annum from the date of the application.

In appeal arising therefrom, the High Court considered the matter as under:

"4. A perusal of the record would show that the Appellant was a rickshaw-puller. Though it was contended that he was earning Rs.200/- - Rs.250/- per day but no clinching evidence was led to prove his above income. The Tribunal on its own held

that the appellant must be earning Rs.100/- per day and Rs.3000/- per month as a rickshaw-puller. The disability was held to the extent of 60%. For assessing the loss of future earning, the Tribunal, therefore, worked out Rs.21,600/- (60% of the above amount) as annual loss and applied multiplier of 17 and held that the Appellant was entitled to get Rs.3,67,200/- as loss of future earning. The Tribunal has also awarded Rs.1,00,000/- lump sum towards pain and suffering. Over and above Rs.5000/- has been awarded for special diet and Rs.34,743/- has been awarded towards medical expenses. The Tribunal, thus, awarded total sum of Rs.5,06,943/- along with interest at the rate of 6% per annum. It was contended that no amount has been awarded towards conveyance and attendant. In light of the facts situation that the Tribunal has awarded a lump sum amount of Rs.1,00,000/- towards pain and suffering which appears to be on the higher side; we do not find any justification to enhance the compensation on account of above heads."

It must be stated here that the rate of interest awarded by the Tribunal was 7.5% per annum and not 6% per annum as observed by the High Court. In accordance with the direction issued by the High Court, the appellant has already received the sum along with interest.

As the quoted portion of the judgment of the High Court shows, the income of the appellant was taken @ Rs.3000/- per month and the disability was found to the tune of 60%. However, for a Rickshaw puller, amputation of right leg below the knee would certainly affect his income prospects to the extent of 100%.

Considering the entirety of the circumstances including the factor of delay to which the appellant himself is responsible, in our view, the ends of justice would be met if we direct that a further sum of Rs.5,00,000/- (Rupees Five Lakhs Only) be made over to the appellant within six weeks from today.

In case, the money is not so made over within the time stipulated, interest shall be chargeable @ 6% per annum till realization.

The appeal stands allowed in the aforesaid terms.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[VINEET SARAN]

.....J.  
[AJAY RASTOGI]

NEW DELHI;  
SEPTEMBER 22, 2020

