

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 8468 OF 2012
(SPECIAL LEAVE PETITION(C.)NO.33422 OF 2011)

VENKATESH

APPELLANT

VERSUS

DIVISIONAL MANAGER, K.S.R.T.C.

RESPONDENT

O R D E R

1. Leave granted.
2. The claimant is aggrieved by the quantum of compensation.
3. According to the appellant, he suffered injury in a motor accident and fractured his leg. He filed an application for grant of compensation and the Motor Accident Claims Tribunal, by its award dated 06.06.2005, granted a compensation of Rs.50,000/- with costs and interest @ 7% p.a. from 19th March, 2004. The claimant, aggrieved by the quantum of compensation, preferred an appeal, which had been dismissed by the impugned judgment and order.
4. In paragraph 4 of the judgment and order, the High Court has observed that the appellant has lost his vision in the left eye and on that premise it proceeded to hold that the claimant is entitled for Rs.1 lacs under the head "loss of eye" and has further awarded various amounts under different headings. However, ultimately, the High Court had dismissed the appeal.

5. It is a common ground that the appellant has not suffered any loss of vision and in fact he had fractured his leg.

6. It seems that the High Court has mis-directed itself and proceeded to consider the case of the appellant on the premise that he has lost his eye. Further, the High Court has observed that the appellant shall be entitled to various other amounts. None the less, ultimately, it had dismissed the appeal. It seems that the facts of two different cases have been mixed up.

7. In that view of the matter, the order of the High Court cannot be allowed to stand.

8. As the High Court has proceeded on an erroneous premise, we deem it expedient that it decides the case afresh in accordance with law.

9. Accordingly, we allow this appeal, set aside the judgment and order of the High Court and remit the matter back to the High Court for consideration in accordance with law. No costs.

.....J.
(CHANDRAMAULI KR. PRASAD)

.....J.
(RANJAN GOGOI)

NEW DELHI;
NOVEMBER 26, 2012