

## RAMESH CHANDRA VS. RANDHIR SINGH AND OTHERS

[\(1990\) SCR \(3\), \(1990\) 3 SCC 732](#)

CIVIL APPELLATE JURISDICTION

(Civil Appeal No. 1188 of 1977)

&

(Special Leave Petition (Civil) No. 5344 of 1977)

- Aadish Jain

**Court** –The Supreme Court of India

**Bench** - L.M Sharma, M.M Punchhi

**Decided on**– 03 May, 1990

**Relevant Sections**– Section 110 of Motor Vehicle Act, 1939.

### INTRODUCTION

In this case, the Supreme Court, while thinking about the handicap to gain business in future, held that the sums under that head can be granted, despite the award of pay under the head pain and suffering and loss of enjoyment throughout everyday life. The Apex Court opined that:

- That the aggregate granted for pain, enduring and loss of satisfaction in life, and so on named as general damages ought to be taken to be secured by damages allowed for loss of income, is worried that also is lost, and with no premise.
- The pain and enduring and loss of delight in life, which is a resultant and changeless reality occasioned by the idea of wounds got by the inquirer and the experience he needed to experience.

- Cash comfort is the appropriate response found by the Law of Torts. No substitute has yet been found to supplant the component of cash. This, by all accounts advances to us as a particular head, very separated from the powerlessness to acquire vocation based on insufficiency or handicap, which is very extraordinary.
- The insufficiency or disability to acquire an employment would need to be seen in the present as well as in future on sensible hopes and considering deprivation of income of a possible period. This head, being entirely unexpected, can't in our view cover the award of pay under the head of agony, enduring and loss of happiness regarding life.
- One head identifies with the hindrance of an individual's ability to win, the different identifies with the pain and suffering and loss of enjoyment in life by the individual himself.

## **FACTS**

- Randhir Singh, while driving a tempo on October 10, 1972, on a street from Bulandshahr to Sikandrabad, had been hit head-on by a speeded truck possessed by Ramesh Chandra.
- Due to this, his tempo was tossed into a close-by dump, whereby he supported wounds on his two legs, and his few bones were cracked too.
- At that point this was trailed by the housing of a report at Police Station, Sikandrabad and putting the injured at District Hospital, Bulandshahr where-from the injured was moved to Safdarjung Hospital, New Delhi for conclusive treatment.
- The lasting outcome was that a piece of the correct foot of Randhir Singh must be removed as his toes had gotten gangrenous.
- Then Randhir Singh moved the Motor Accident Claims Tribunal, Bulandshahr looking for damages to the tune of Rs.1 lakh.
- The contenders, being Ramesh Chandra- the proprietor of the truck, its driver and the Insurance Company, took different protections to negative the case. The issue was focussed by the issues encircled.

- The Tribunal, by a detailed and very much contemplated request, fixed carelessness on the truck driver, and held the damaged qualified for pay.
- In the estimation thereof, the Tribunal observed the age of the inquirer to be 22 years, and his normal salary as a driver of an engine vehicle at the very least pace of Rs.300 p.m., expected-to be earned for in any event in the coming 22 years.
- The figure in this way showed up was at Rs.79,200, and that being lumpsum instalment decided an aggregate of Rs.55,000 to be sufficient pay for the perpetual incapacity endured by the petitioner.
- Other than the Tribunal conceded Rs.3,000 by virtue of costs of treatment. Under the head of general damages for agony, enduring and loss of delight in life the Tribunal granted a whole of Rs.20,000 as remuneration.
- Along these lines an all-out award of Rs.78,000 was made for the inquirer. Rs.50,000 was requested to be paid by the Insurance Company as its risk was seen as restricted to that degree.
- The remaining Rs.28,000 was requested to be paid by the proprietor. The inquirer additionally got 3/4th of his expenses.
- Three separate interests were documented under the watchful eye of the High Court; one by the disappointed petitioner; the second by the ag-lamented truck proprietor and the third by the wronged Insurance Company.
- The High Court managed the issue in equivalent elaboration. It certified the perspective on the Tribunal in awarding remuneration under the three heads previously mentioned.
- Be that as it may, the award was improved to the degree that the inquirer likewise got enthusiasm at the pace of 6 percent each annum on the measure of pay from 11.11.1972, the date on which the case appeal was recorded upto the date of the instalment thereof; subject obviously to reasonable alter ments in case of any instalment having just been made to the petitioner.
- Then the special leave petition was filed by the petitioner Ramesh Chandra on the Ground that the question raised was that when the claimant had not claimed interest in the application, and the Tribunal had not awarded any, the High Court was in error in granting interest under [Section 110-CC](#) of the Motor Vehicles Act where the power of the Court of the Tribunal was discretionary.

## **ISSUES**

- Whether the compensation under motor vehicle act had been payable for both the disability occurred by the accident as well as loss of earning in future suffered by the claimant?
- If the claimant has not claimed the interest nor the tribunal has awarded any, then whether high court can provide it or not under Section 110-CC of Motor Vehicle Act?

## **RULES APPLIED**

### [Motor Vehicles Act, 1939:](#)

- Section 110-B--Motor Accident Claim--Award of compensation under separate head "general damages for pain, suffering and loss of enjoyment of life" in addition to compensation for impairment of capacity to earn.
- Section 110- CC--Award of interest on amount of compensation-Whether dependent on pleading by claimant.

## **ANALYSIS**

In Ramesh Chandra v. Randhir Singh, while thinking about consideration of pay for permanent inability (right foot cut off) brought about by the mishap under Section 110-B of the Motor Vehicles Act, 1939 which is like [Section 168\(1\)](#) of the Motor Vehicles Act, 1988, this Court maintained the consideration of remuneration under the different head of agony, enduring and loss of pleasure of life, aside from the head of loss of profit. The conversation and extreme end are applicable, which perused as under:

As to Ground 19, covering the inquiry that the whole granted for agony, enduring and loss of pleasure throughout everyday life, and so forth named as general damages ought to be taken to be secured by damages allowed for loss of profit is worried that also is lost and with no premise. The pain and enduring and loss of happiness regarding life which is a resultant and lasting certainty occasioned by the idea of wounds got by the inquirer and the experience he needed to experience. On the off chance that cash be any comfort, the award of Rs. 20,000 to the petitioner speaks to that comfort. Cash comfort is the answer found by the law of torts. No substitute has however been found to supplant the component of cash. This, by all account's

bids to us as a particular head, very aside from the powerlessness to procure vocation on the premise of insufficiency or inability which is very unique. The insufficiency or inability to acquire a job would have to be seen in the present as well as in future on sensible anticipations and considering deprivation of income of a possible period. This head being entirely unexpected, can't in our view cover the award of pay under the head of pain, languishing, what's more, loss of delight throughout everyday life. One head identifies with the hindrance of an individual's ability to procure, the other identifies with the pain and enduring and loss of pleasure of life by the individual himself. Hence, we are of the considered view that the disputes raised by the truck proprietor appealing party for that benefit must be negated, and we, therefore, negative them."

The facts demonstrate that the pay for loss of winning power/limit must be resolved dependent on different viewpoints, including changeless injury/handicap. At the equivalent time, it can't be translated that pay can't be allowed for lasting handicap of any nature. For model, take the instance of a non-gaining individual from a family who has been harmed in a mishap and continued changeless inability because of removal of leg or hand, it can't be interpreted that no sum should be conceded for perpetual incapacity. It can't be contested that separated from the way that the perpetual incapacity influences the winning limit of the individual concerned, without a doubt, one needs to forego other individual solaces and, in any event, for ordinary side interest, they need to rely upon others.

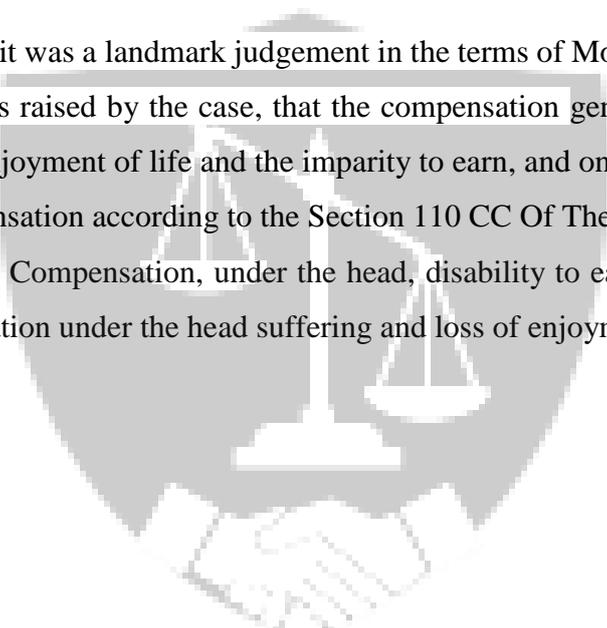
“In the case on hand, two doctors had explained the nature of injuries, treatment received and the disability suffered due to partial loss of eyesight and amputation of the middle finger of the right hand, and we have already adverted to the avocation, namely, at the time of the accident, he was working as a foreman in M/s Armstrong Hydraulics Ltd. Taking note of his nature of work, partial loss in eyesight and loss of middle finger of the right hand, not only affect his earning capacity but also affect normal avocation and day-to-day work. In such circumstance, we are of the view that the Tribunal was fully justified in granting a sum of Rs. 1,50,000 towards permanent disability”.

In the case, the agony and enduring and loss of pleasure in life is a resultant and perpetual certainty occasioned by the idea of wounds got by the petitioner and the trial he needed to experience. This, by all accounts, is a particular head, very separated from the failure to earn a job based on inadequacy or incapacity, which is very extraordinary. On the off chance that cash be any comfort, the award of Rs.20,000 to the petitioner speaks to that comfort. Cash solace is

the appropriate response found by the Law of Torts. No substitute has yet been found to supplant the component of cash. Apart from that, the court also said that the Section 110 of the Act “Court or Tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such rate and from such date, not earlier than the date of making the claim as it may specify in this behalf. The caption of the provision is "Award of interest where any claim is allowed”.

### **CONCLUSION**

As we know that it was a landmark judgement in the terms of Motor Vehicle Act, which tells us about the issues raised by the case, that the compensation general damages for pain, suffering and loss of enjoyment of life and the inability to earn, and on the issue that the court can provide the compensation according to the Section 110 CC Of The Motor Vehicle Act. It was totally based upon Compensation, under the head, disability to earn livelihood in future distinct from compensation under the head suffering and loss of enjoyment of life.



JudicateMe