



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO. 211 OF 2024

Amar Singh s/o Ratanlal Lodhi
Age : 38 Years, Occu : Labour;
R/o : At Gram Bhayawan, Po. Thuni
Shivpuri, Pinchhore (M.P.) 473 670.

... APPELLANT

VERSUS

Union of India
Through the General Manager, Central
Railway, C.S.T. Mumbai.

... RESPONDENT

Ms. S. M. Chaudhari, Advocate for Appellant.
Ms. N. G. Chaubey, Advocate for Respondent/Union of India.

CORAM : ROHIT W. JOSHI, J.
DATE : FEBRUARY 05, 2025.

ORAL JUDGMENT

. The Appellant/Original Applicant is aggrieved by the amount of compensation awarded to him by the learned Railway Claims Tribunal, Nagpur vide impugned Judgment dated 18/8/2023, on account of injuries sustained in the railway accident that had occurred on 15/5/2018.

2. The learned Tribunal has awarded a sum of Rs.80,000/- for fracture in the left leg, which is a scheduled injury under Entry-33, Part-III in the Schedule appended to Railway Accidents and Untoward Incidents

(Compensation) Rules, 1990. For the other injuries suffered by the Appellant, a consolidated amount of Rs.20,000/- is awarded. It may be noted that the other injuries are non-scheduled injuries. Non-scheduled injuries are dealt with under Sub-rule (3) of Rule 3 of the said Rules. First proviso to Sub-rule (3) of Rule 3 provides that if more than one injury is caused in the same accident, compensation shall be payable in respect of each such injury. The second proviso provides that the total compensation in respect of all such injuries shall not exceed Rs.1,60,000/-. Whereas, there is no dispute between the parties with respect to the fracture injury, which is a scheduled injury, dispute between the parties is related to the amount of compensation awarded for the non-scheduled injuries.

3. I have heard Ms. S. M. Chaudhari, learned Counsel for the Appellant and Ms. N. G. Chaubey, learned Counsel for the Respondent/Union of India respectively and perused the record of the case with their able assistance.

4. Perusal of the Injury Certificate at page A-85 indicates that apart from the fracture injury, which is a scheduled injury, the Appellant had suffered three major injuries. The description thereof is as under :

- (i) CLW on Right foot Bone deep on Dorsal Side - Horizontal 5 x 2 cm.
Tenderness (+) Swelling (+) Bleeding (+).
- (ii) CLW on Left foot Dorsal Side – Horizontal 3 x 2 cm x Bone deep
Tenderness (+) Swelling (+) Bleeding (+).
- (iii) CLW on Left parietal region head – Vertical 3 x 2 cm x Bone deep
Tenderness (+) Swelling (+) Bleeding (+).

5. The Appellant was initially admitted immediately after the accident on 15/5/2018 at Government Medical College and Hospital, Jalgaon. He was discharged on 17/5/2018. The discharge was made by referring him to a higher center of treatment. Thereafter he was hospitalized at G. R. Medical College & J. A. Group of Hospitals, Gwalior (M.P.). The discharge ticket of the said Hospital is at Page A-86. He was admitted on 18/5/2018 and thereafter was discharged on 22/5/2018. He was operated for the fracture injury in the Hospital at Gwalior. The Appellant was required to be hospitalized again at District Hospital, Shivpuri (M.P.), where he stayed as Indoor Patient from 7/9/2018 to 15/9/2018. The Disability Certificate of the Appellant is at Page A-97. The Certificate is issued by the District Medical Board District Hospital, Shivpuri (M.P.). The Injury Certificate indicates that the Appellant has suffered 25% disability (Orthopedic) which has adversely affected his general mobility. The Certificate indicates that the said disability is a permanent disability.

6. Perusal of the Judgment passed by the learned Railway Claims Tribunal, Nagpur will indicate that the learned Tribunal has awarded a consolidated amount of Rs. 80,000/- for the injuries other than the scheduled injury. There are three injuries suffered by the Appellant other than the scheduled injury, for which separate compensation ought to have been awarded. The learned Tribunal has also not taken into consideration the fact that the Appellant was required to be hospitalized on three separate occasions.

7. Having regard to the totality of circumstances, in my considered opinion, a sum of Rs.25,000/- per injury should be awarded for the injuries other than the scheduled injury and further a sum of Rs.10,000/- for other minor injuries that were obviously suffered with the major injuries. With the result, the Appeal is partly allowed, granting enhancement of Rs.65,000/- over and above the amount awarded by the learned Tribunal.

8. The Schedule appended to the Rules is amended on 1/1/2017. The Accident has occurred on 15/5/2018 i.e. after the amendment of the Schedule. In such circumstances, the Appellant will also be entitled for interest on the amount of compensation. The Tribunal has awarded interest at the rate of 6% per annum. The learned Counsel for Appellant did not raise any grievance with respect to the rate of interest. Therefore, the Appellant is held

entitled to receive interest on the additional amount of compensation awarded in the present Appeal at the rate of 6% per annum from the date of original Application i.e. 14/10/2020 till the date of realization.

9. The learned Counsel for Appellant makes a statement that she will furnish bank details to the Respondent as also to the learned Counsel for Respondent within a period of fifteen days from today. Amount be transferred in the said bank account within a period of four weeks thereafter.

10. The First Appeal is disposed of in above terms with no order as to costs.

(ROHIT W. JOSHI, J.)