

Court No. - 2

Case :- FIRST APPEAL FROM ORDER DEFECTIVE No. - 981 of 2009

Appellant :- Krishna Kumar Tiwari

Respondent :- Sarvesh Kumar Tripathi And Another

Counsel for Appellant :- Mohd Naushad Siddiqui, Vidya Kant Shukla

Counsel for Respondent :- Shashi Kumar Verma, Vipul Kumar

Hon'ble Saral Srivastava, J.

Delay Condonation Application:-

Heard learned counsel for the appellant and learned counsel for the respondents.

The appeal is reported to be beyond time by 57 days.

The appellant has properly explained the delay in filing the appeal and delay in filing the appeal is bona fide.

Consequently, the delay in filing the appeal is condoned and the appeal shall be treated to have been filed in time.

The Delay Condonation Application is **allowed**.

Order on Appeal:-

1. Heard learned counsel for the appellant and learned counsel for the respondents.
2. The present appeal has been filed by the claimant-appellant for enhancement of award.
3. It is submitted that a meagre amount of Rs.1,52,000/- has been awarded by the tribunal for the injuries suffered by the claimant-appellant. It is further submitted that if the claimant-appellant is paid Rs.95,000/- in lump sum in addition to the amount which has already been awarded by the tribunal, the claim of the claimant-appellant shall stand satisfied and the claimant-appellant shall not lay any further claim.
4. Learned counsel for the respondents submits that compensation

awarded by the Tribunal is just and proper.

5. Considering the fact that claimant/appellant has suffered injuries in the accident with offending Truck for which inadequate compensation has been awarded by the Tribunal, therefore, in view of the said fact, this Court finds submission of learned counsel for the claimant/appellant reasonable and accordingly, awards Rs.95,000/- in lump-sum to the claimant/appellant in addition to what has been awarded by the Tribunal. The insurance company is directed to pay the aforesaid amount within a period of three months from the date of production of certified copy of this order. If the aforesaid amount is not paid within the aforesaid period, the claimant/appellant shall be entitled to simple interest @ 6% per annum from the date of institution of claim petition till the date of its payment.

6. Accordingly, the appeal is **disposed off**.

Order Date :- 27.10.2023

SS