

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MAC No. 248 of 2007**

- Anuj Ram, S/o Late Motiram, aged about 46 years, R/o Suraj Dewangan, 216, Arya Nagar, Durg, Tahsil and Distt. Durg (CG)

**---- Appellant**

**Claimant**

**Versus**

1. Anil Kumar Sahu, S/o Anand Ram Sahu, aged about 35 years, (Driver)
2. Anand Ram Sahu, S/o Punou Ram Sahu, aged about 60 years,  
  
Both R/o Qr.No.F/32, CG Rajya Vidyut Mandal Colony, Bhilai-3, Tahsil and Distt. Durg (CG)
3. The Branch Manager, The New India Insurance Company Ltd., Power House, Oppo. Project Automobiles, Bhilai, P.S. Chhawani, Tahsil and Distt. Durg (CG) (Insurer)

**---- Respondent**

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|                           |                                  |
|---------------------------|----------------------------------|
| For Appellant             | : Shri Jitendra Gupta, Advocate. |
| For Respondent Nos. 1 & 2 | : None.                          |
| For Respondent No.3       | : Shri Sourabh Sharma, Advocate. |

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**Hon'ble Shri Justice Pritinker Diwaker**

**Order On Board**

**16/08/2016**

This appeal arises out of the award dated 31.7.2006 passed by 11th Additional Motor Accident Claims Tribunal (FTC), Durg in Claim Case No.21/2005 awarding total compensation of Rs.1,88,762/- in favour of the appellant/claimant.

02. Brief facts of the case are that on 29.3.2004 when the appellant/claimant along with other passengers was travelling in a jeep

bearing registration No. CG-07-ZD-1325, the said jeep dashed against the standing tree resulting in death of one Laxminarayan Dewangan and injuries to several persons. In the accident, apart from abrasions on various parts of the body, the appellant also suffered fracture of waist bone, left hand wrist bone, right hand four fingers, right leg bone near knee joint and injuries from forehead to skull. He was first taken to District Hospital, Rajnandgaon from where he was shifted to Sector-9 Hospital, Bhilai and thereafter, to Central India Institute of Medical Sciences, Nagpur. According to the claimant, the total period of his hospitalization comes to about 40 days. Indisputably, the vehicle in question at the relevant time was insured with respondent No.3/insurance company.

03. The appellant/claimant filed a claim case claiming a total compensation of Rs.17.42 lacs under Section 166 of Motor Vehicles Act, inter alia, pleading that at the relevant time, he was working in railway as Engine Driver, getting salary of Rs.22,000/- per month and could not attend his duty for eight months.

04. Learned Tribunal taking into consideration the pleadings of the respective parties and the evidence adduced by them, vide impugned award dated 31.7.2006 awarded a total compensation of Rs.1,88,762/- in favour of the claimant with simple interest @ 6% per annum from the date of application till realization under the following heads:

|                          |               |
|--------------------------|---------------|
| Towards medical expenses | Rs.1,01,955/- |
| For Special Diet         | Rs.5,807/-    |
| For Attendant            | Rs.6000/-     |

|                                         |             |
|-----------------------------------------|-------------|
| Towards Conveyance                      | Rs.10,000/- |
| Towards loss of income during treatment | Rs.20,000/- |
| Towards Pain & Suffering                | Rs.20,000/- |
| Towards Permanent Disability            | Rs.25,000/- |

05. Counsel for the appellant submits that looking to the injuries suffered by the claimant, the amount awarded by the Tribunal under various heads is inadequate and the same is, therefore, required to be enhanced suitably. He further submits that even for future treatment, no amount has been awarded to the appellant/claimant.

06. On the other hand, learned counsel for the insurance company supporting the impugned award submits that just and proper compensation has been awarded to the claimant, which needs no interference by this Court.

07. Heard learned counsel for the parties and perused the material on record.

08. Considering the fact that the claimant remained hospitalized for about 40 days, and thereafter, he must have remained bedridden at his home for quite some time, would have suffered much pain and agony, incurred expenses towards nutritional diet, attendant, would also be required to incur expenses in future treatment and would be deprived of reasonable enjoyment in life etc., in the opinion of this Court, the claimant is held entitled for compensation in the following manner:

|                               |             |
|-------------------------------|-------------|
| For Special Diet              | Rs.25,000/- |
| For Attendant                 | Rs.15,000/- |
| Towards Pain & Suffering      | Rs.50,000/- |
| For Future Treatment Expenses | Rs.25,000/- |

09. As regards the amount awarded towards medical expenses incurred by the claimant, conveyance expenses, loss of income during treatment and towards permanent disability, the same being in accordance with the evidence adduced and proved by the claimant, need no enhancement and therefore, are hereby maintained.

10. On the basis of aforesaid discussions, the appellant/claimant is held entitled for a total compensation of Rs.2,71,955/- and since the Tribunal has already awarded Rs.1,88,762/-, after deducting the same the appellant/claimant is entitled for enhancement of Rs.83,193/-. This additional amount of compensation shall carry interest @ 6% p.a. as awarded by the Tribunal from the date of filing of claim petition till realization.

11. In the result, the appeal is allowed and the award impugned stands modified to the above extent.

Sd/  
**(Pritinker Diwaker)**  
**J U D G E**