

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 168 of 2016

Ku. Dilpreet Kaur Jat D/o Bhupendra Singh Jat, Aged About 15 Years Minor, Through Her Legal Guardian Father Bhupendra Singh Jat S/o Amar Singh Jat, Aged About 38 Years, R/o Village- Patseoni, Post Office & Police Station- Chhura, Tahsil & District- Gariyaband, Chhattisgarh(Claimant)

---- Appellant

Versus

1. Manoj Kumar Sahu S/o Mahendra Sahu, Aged About 30 Years R/o Village- Khatti, Post Office & Police Station- Komakhan, District- Mahasamund, Chhattisgarh (Driver Of Vehicle Bus Bearing Registration No. C.G.-04-E-2706)
2. Pandit Kumar Sonuley S/o Tanbaji Sonuley, Aged About 40 Years R/o Ward No. 04, Near Jain Mandir, Bagbahara, Post Office & Police Station- Bagbahara, District- Mahasamund, Chhattisgarh (Registered Owner Of Vehicle Bus Bearing Registration No. C.G.-04-E-2706)
3. The Branch Manager, The Oriental Insurance Company Limited, Through The Divisional Manager, Divisional Office No. 1, Madina Building, Kutchery Chowk, Jail Road, Raipur Post Office- Raipur, Police Station- Gol Bazar, Raipur, Tahsil & District- Raipur, Chhattisgarh (Insurer Of Vehicle Bus Bearing Registration No. C.G.-04-E-2706)

---- Respondents

For Appellant	:	Shri A.L. Singroul, Advocate under instructions from Shri Shivendu Pandya, Advocate
For respondent No.1	:	None
For respondent No.2	:	None
For Respondent No.3	:	Shri Raghavendra Verma, Advocate under instructions from Shri Deepak Gupta, Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/03/2016

1. Heard on I.A.No.1, application for condonation of delay in filing the appeal.
2. Upon due consideration, the application is allowed. Delay in filing the appeal is

condoned.

3. Heard on admission.
4. The appellant in the present case has prayed for enhancement mainly on the ground that towards loss of mental agony and suffering, a very meager amount of Rs.5000/- has been awarded. It is also submitted that the Claims Tribunal has awarded a total amount of Rs.49,370/- taking into consideration all the heads without specific mention of the heads under which the amount was awarded. It is submitted that the Claims Tribunal has accepted and awarded medical expenses of Rs.36,370/- which means that on all other heads, less than Rs.15,000/- has been awarded.
5. Learned counsel for the respondent-Insurance Company submits that more than Rs.10,000/- has been awarded to the injured as traveling expenses, mental agony, suffering and healthy diet and looking to the nature of injury, it cannot be said to be unjust.
6. In the present case, the Claims Tribunal has awarded an amount of Rs.36,370/- towards medical expenses. Thereafter, the Tribunal has awarded a total amount of Rs.49,370/- which includes different heads like healthy diet, traveling expenses mental agony and suffering etc. The total amount thus awarded under heads other than medical expenses is less than Rs.15,000/-. Present is a case of a young girl aged 15 years who suffered accident by a Tata Magic vehicle resulting in fracture injury on her face, right eye. She is said to have remained admitted in the hospital for about 5 days.
7. Therefore, considering the aforesaid circumstances of the case, I find that award of compensation on heads other than medical expenses appears to be on lower side. It would in the interest of justice to enhance the amount of award for further sum of Rs.25,000/-.
8. The appeal is accordingly partly allowed. The appellant shall be entitled to further sum of Rs.25,000/- over and above the compensation which has already been awarded by the Claims Tribunal.

Sd/-
(Manindra Mohan Shrivastava)
Judge