

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No.335 of 2016

Sidhan S/o Shri Prasad, Aged About 40 Years R/o Village Pathri, Police Station & Tahsil Balrampur, District Balrampur-Ramanujganj, Chhattisgarh, Present R/o Gangapur Ambikapur P.S. Ambikapur, District Surguja, Chhattisgarh
(Claimant)

---- Petitioner

Versus

1. Sanjay Kumar Yadav S/o Paras Yadav, Aged About 28 Years R/o Village Jhunka Police Station Dhurki District Garhwa (Jharkhand)(Driver Of The Vehcile)
2. Ajay Kumar Gupta S/o Bhagvat Sao, Aged About 50 Years R/o House No. 53 Village Chandrapura Post Harigaon, P.S. Majhiyaon District Garhwa (Jharkhand)(Owner Of The Vehicle)
3. Branch Manager, National Insurance Company Limited Branch Office T.M.F.L. Ranchi Branch Jha Nivas Near Yuvraj Hotel Diversion Road Doranda Ranchi District Ranchi (Jharkhand) Pin Code 834002 Through The Branch Manager National Insurance Company Limited- 13 Meenu Complex Main Road Kosabadi Korba District Korba, Chhattisgarh

---- Respondents

Appearance:

For Appellant : Ms. Neha Verma, Advocate
Respondents No.1 & 2 were proceeded ex parte before the Tribunal.
None for respondent No.3, though served.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/05/2016

Heard on application for condonation of delay in filing the appeal.

2. Upon due consideration the short period of delay and explanation offered in the application, the application is allowed and delay in filing the appeal is condoned.
3. This is an appeal for enhancement of compensation.
4. It is submitted that the Tribunal has awarded very meager amount under the head "Pain and suffering" and "diet expenses".

5. It is found that the appellant has suffered fracture injury and he remained admitted in the hospital for 9 days. However, towards pain and suffering only Rs.2,000/- has been awarded and for diet expenses, only Rs.2,000/- has been awarded, on these heads, some more amount ought to have been awarded.

6. Considering the period of admission, nature of injury and age of the appellant, it would be proper to award an additional sum of Rs.25,000/- under the heads, as under :

Diet expenses : Rs.10,000/-

Pain and suffering : Rs.15,000/-

7. The appeal is accordingly partly allowed. It is directed that over and above amount of compensation, which has been awarded to the appellant, he shall be entitled to an additional sum of Rs.25,000/- under the aforestated heads along with interest at the rate which has been awarded by the Tribunal from the date of application.

SD/-
Manindra Mohan Shrivastava
Judge