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HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 656 of 2015

Mani Shankar S/o Sobhnath Sahu Aged About 22 Years R/o Village : Pampapur,
Police Station & Tahsil Surajpur, Revenue And Civil District- Surajpur,
Chhattisgarh

---- Appellant

Versus

1. Raju Sharma S/o Rishinarayan Sharma Aged About 25 Years R/o Village :
Krishnapur (Kaluva), Police Station & Tahsil Surajpur, Revenue And Civil District-
Surajpur, Chhattisgarh
2. Smt. Pushpa Singh W/o Arun Singh Aged About 35 Years R/o Bauripara,
Ambikapur, Police Station & Tahsil Ambikapur, Revenue And Civil District-
Surguja, Chhattisgarh
3. Branch Manager, Through : United India Insurance Company Limited, Ambikapur,
District-Surguja, Chhattisgarh
4. Ramesh Sahu S/o Supadi Lal Sahu Aged About 25 Years R/o Qt. No. 14,
Sakariya, Post & Police Station Khadgava, Tahsil Manendragarh, Revenue And
Civil District- Korea, Chhattisgarh
5. Branch Manager, Through : The Oriental Insurance Company Limited, Near
Gopal Cold Storage, Manendragarh, District, Korea, Chhattisgarh

---- Respondents

And

MAC No. 646 Of 2015

Lalji Sahu S/o Gharbharan Aged About 28 Years R/o Village : Navapara,
Kathauta, Post : Banja, Police Outpost : Basdei, Police Station & Tahsil : Surajpur,
Revenue And Civil District- Surajpur, Chhattisgarh

---- Appellant

Vs

1. Raju Sharma S/o Rishinarayan Sharma Aged About 25 Years R/o Village :

Krishnapur Kaluva, Police Station & Tahsil : Surajpur, Revenue And Civil District-
Surajpur, Chhattisgarh

2. Smt. Pushpa Singh W/o Arun Singh Aged About 35 Years R/o Bauripara, Ambikapur, Police Station & Tahsil Ambikapur, Revenue And Civil District- Surguja, Chhattisgarh
3. Branch Manager, Through : United India Insurance Company Limited, Ambikapur, District- Surguja, Chhattisgarh
4. Ramesh Sahu S/o Supadi Lal Sahu Aged About 25 Years R/o Qt. No. 14, Sakariya, Post & Police Station Khadgava, Tahsil Manendragarh, Revenue And Civil District- Korea, Chhattisgarh
5. Branch Manager Through : The Oriental Insurance Company Limited, Near Gopal Cold Storage, Manendragarh, District, Korea, Chhattisgarh

---- Respondents

And

MAC No. 657 Of 2015

Narendra Kumar S/o Kameshwar Ram, Aged About 20 Years Caste Koir, R/o Village- Navapara, Kathauta, Post- Banja, Police Outpost- Basdei, Police Station & Tahsil- Surajpur, Revenue And Civil District- Surajpur, Chhattisgarh
(Claimant)

---- Appellant

Vs

1. Raju Sharma S/o Rishinarayan Sharma, Aged About 25 Years Occupation- Driver, R/o Village- Krishnapur (Kaluva), Police Station & Tahsil- Surajpur, Revenue And Civil District- Surajpur, Chhattisgarh (Driver Of The Offending Vehicle)
2. Smt. Pushpa Singh W/o Arun Singh, Aged About 35 Years Occupation- Vehicle Owner, R/o Bauripara, Ambikapur, Police Station & Tahsil- Ambikapur, Revenue And Civil District- Surguja, Chhattisgarh (Owner Of The Offending Vehicle)
3. Branch Manager, Through: United India Insurance Company Limited, Ambikapur, District Surguja, Chhattisgarh (Insurer Of The Offending Vehicle)
4. Ramesh Sahu S/o Supadi Lal Sahu, Aged About 25 Years Occupation- Agriculture, R/o Qt. No. 14, Sakariya, Post & Police Station- Khadgava, Tahsil- Manendragarh, Revenue And Civil District- Korea, Chhattisgarh (Owner Of The Motor Cycle)

5. Branch Manager, Through: The Oriental Insurance Company Limited, Near Gopal Cold Storage, Manendragarh, District- Korea, Chhattisgarh (Insurer Of The Motor Cycle)

---- Respondent

For Appellants	:	Shri P.K. Patel, Advocate
For Respondent No.3	:	Shri Dashrath Gupta, Advocate

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

Order On Board

22/03/2016

1. The aforesaid three appeals for enhancement of compensation amount are being disposed off by this common order as all the appeals arise out of the same accident, resulting in injury to three persons, giving rise to three claim applications.
2. In the aforesaid three cases, facts are that on 20.8.2011, an accident happened in which offending vehicle, a tractor dashed appellants Lalji Sahu, Manishankar and Narendra Kumar. In the accident, all the three appellants sustained injury and filed separate claim applications.
3. Appellant Narendra has been awarded a total compensation of Rs.39,976/-, appellant- Manishankar has been awarded a total compensation of Rs.53,941/- and appellant- Lalji Sahu has been awarded a total compensation of Rs.76,133/-.

In all the cases interest @ 9% per annum from the date of application till payment has been awarded by adjusting interim compensation.

4. In all the cases, the common argument of learned counsel for the

appellants is that though the expenditure incurred as reflected from medical bills has been taken into consideration for award of compensation, towards pain and suffering, diet expenses and assistance expenses, meager amount has been awarded. Therefore, it is prayed that on those heads each of the appellants may be awarded additional sum of Rs.10,000/-.

5. Learned counsel for the insurance company submits that the learned Claims Tribunal has awarded just and proper compensation taking into consideration pain and suffering, assistance expenses and diet expenses.
6. Appellant- Lalji Sahu suffered fracture and remained admitted in the hospital for 11 days.

Appellant -Manishankar also suffered bone fracture and remained admitted in the hospital for 25 days.

Appellant -Narendra Kumar also suffered fracture and remained admitted in the hospital for 10 days.

7. Learned Claims Tribunal has awarded Rs.25,000/- towards pain and suffering taking into consideration the decision in the case of **Surendra Kumar Verma Vs. Bahadur Singh** (2002 ACJ 1033). However, in the present case, the accident occurred on 20.8.2011. Therefore, taking into consideration this aspect, on the head pain and suffering, it would be just and proper to enhance the compensation from Rs.25,000/- to Rs.32,000/- in each case.

For diet expenses also, in each cases, additional sum of Rs.3,000/- would be just and proper.

8. Consequently, each of the appellants in the aforesaid appeals are entitled to additional compensation of Rs.10,000/- over and above what has been

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already awarded to them by the Tribunal under the award which shall be payable to them at the same rate of interest as awarded by the Tribunal. All the appeals are accordingly partly allowed as above.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen