

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No.391 of 2016**

Kirtichand Patel S/o Shri Vishnudas Patel Aged About 42 Years R/o Village Dharampur Post, Tamora, Thana & Tahsil Mahasamund, Civil & Rev. Distt. Mahasamund Chhattisgarh. (Claimant)

---- **Petitioner**

Versus

1. Ramkumar S/o Shri Narayan Dhruv Aged About 18 Years R/o Village Nawagaon, Thana Simga, Civil & Revenue Distt. Baloda Bazar Bhatapara Chhattisgarh.
2. Mukundram Sahu S/o Shri Kujuram Sahu R/o Shastri Chowk Mahasamund, Thana & Tahsil Mahasamund, Civil And Rev. Distt. Mahasamund Chhattisgarh.
3. Branch Manager, The New India Insurance Company Limited, Branch Office, L.I.C. Building, First Floor Pandari Raipur, Civil & Rev. Distt. Raipur Chhattisgarh.

---- **Respondents**

For Petitioner	:	Shri Sumit Shrivastava, Advocate
For Respondent No.3	:	Shri Sameer Singh, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/05/2016

Heard.

2. This is an appeal for enhancement of compensation.
3. Short submission of learned counsel for the appellant is that though, appellant has been awarded compensation in respect of expenditure incurred in seeking treatment/towards pain and suffering, diet expenses and travelling expenses only total amount of Rs.15,000/- has been awarded. He submits that looking to the nature of injury and pain and suffering, amount awarded on these heads is not just.

4. On the other hand, learned counsel for respondent-insurance company submits that the Tribunal, after taking into consideration the totality of the circumstances, nature of injury, has awarded the amount of compensation under the various heads, which does not warrant any inference.

5. The appellant suffered injury in a road accident resulting in injury of fracture. He stated that the appellant remained in the hospital from 19-12-2012 till 08-01-2013 and it is also found that neurosurgery was also performed. Therefore, looking to the nature of injury, surgical complications and long period of admission in the hospital, awarded compensation of Rs.10,000/- under the head pain and suffering, appears too low and it requires to be enhanced.

6. Taking into consideration the totality of the circumstances, an additional sum of Rs.35,000/- would be just and proper towards pain & suffering, diet expenses and transportation charges.

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.35,000/- 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