

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Appeal (C) No.1530 of 2015

Basant Rai, S/o Late B. N. Rai, aged 58 years, Occupation Advocate, R/o Ward No.14, Baldev Bag, Rajnandgaon, Tahsil and District Rajnandgaon (C.G.)

---- Appellant/
(Claimant)

Versus

1. Anil Chouthawani, S/o Ghanshyam Chouthawani, aged 45 years, R/o F-1, 304, Face-II, Second Floor, Jaswant Apartment, Baldev Bag, Rajnandgaon, Tahsil and District Rajnandgaon (C.G.)
.....(Driver and Owner of the offending vehicle)
2. M/s Raj Eraction, through Vivek Chouthawani, Near Old District Hospital, Rajnandgaon (C.G.)
3. Branch Manager, National Insurance Company Limited, through Zonal Manager, Zonal Office, Akash Ganga Complex, Supela, Bhilai, District Durg (C.G.)
.....(Insurance Company)
---- Respondents

For Appellant:	Mr. Malay Shrivastava and Mr. Gagan Tiwari, Adv.
For Respondent No.3:	Mr. B.N. Nande, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/03/2016

1. Heard.
2. Delay in filing the appeal is condoned.
3. This is the claimant's quantum appeal. The claimant suffered 35% permanent disability in his right leg.
4. The Claims Tribunal awarded Rs.10,000/- for pain and suffering, Rs.15,000/- for medical treatment, Rs.924/- for vehicle damage and Rs.10,000/- for loss of income.
5. Learned counsel for the appellant submits that the compensation

awarded by the Claims Tribunal runs contrary to the principle laid down by the Supreme Court in **R.D. Hattangadi v. Pest Control (India) Pvt. Ltd. and others**¹, as no compensation has been awarded for medical attendance and non-pecuniary damage has also not been awarded.

6. Taking into consideration the facts and circumstances of the case and permanent disability, the appeal is allowed by enhancing the amount of compensation awarded by the Claims Tribunal towards pain and suffering from Rs.10,000/- to Rs.35,000/-; towards medical treatment from Rs.15,000/- to Rs.30,000/-; and towards loss of income from Rs.10,000/- to Rs.50,000/-. Thus, the claimant is further entitled to get the enhanced amount of compensation of Rs.80,000/- (1,15,000 – 35,000/-). The respondent Insurance Company is directed to deposit the enhanced amount of compensation of Rs.80,000/- within 3 months from today along with 6% interest from the date of application.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma

1 (1995) 1 SCC 551