

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No.120 of 2016**

1. Kranti Kumar @ Nepolien Rai S/o Bhukhan Lal Jaiswal, Aged About 32 Years R/o Near Kosgai Temple, Dabrapara Ward No. 06, Ratanpur, Thana Ratanpur, Tahsil Kota, Tahsil And District Bilaspur (Chhattisgarh)
2. Deepmala Markam W/o Kranti Kumar @ Nepolien Rai, Aged About 27 Years R/o Near Kosgai Temple, Dabrapara Ward No. 06, Ratanpur, Thana Ratanpur, Tahsil Kota, Tahsil And District Bilaspur (Chhattisgarh).....(Claimants)

---- Petitioner

Versus

1. Harikesh Pradhan S/o S/o Vrindavan Pradhan, Aged About 36 Years R/o Rangora, Chowk Baya, P. S. Kasdol, Tahsil Kasdol, District Balodabazar (Chhattisgarh).....(Driver Of The Alleged Vehicle Tata Sumo Bearing Registered No. C G 06 B 3861)
2. Vrindavan Pradhan S/o Late Chholo Ram Pradhan, Aged About 53 Years R/o Rangora Chowki Baya, P. S. Kasdol, Tahsil Kasdol, District Balodabazar (Chhattisgarh) Present Place C/o Raja R. T. O. Agent Appa Para Durg, Tahsil And District Durg (Chhattisgarh).....(Owner Of The Alleged Vehicle Tata Sumo Bearing Registered No. C G 06 B 3861)
3. Through Divisional Manager The Oriental Insurance Company Ltd. Rama Trade Centre, 2nd Floor Front Of Rajiv Plaza, Old Bus Stand, Tahsil And District Bilaspur (Chhattisgarh).....(Insurance Company Of The Alleged Vehicle Tata Sumo Bearing Registered No. C G 06 B 3861)

---- Respondents

For Appellants : Shri Yogendra Pandey, Adv.
 For Respondent No.1 & 2: Shri Utkal Pradhan, Adv.
 For Respondent No.3: Shri Dashrath Gupta, Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****11/04/2016**

Heard on I.A.No.1, an application for condonation of delay in filing the appeal.

2. The appeal is barred by 39 days.
3. Taking into consideration the short period of delay and the reasons assigned in the application as also it being a case where the claimants are claiming enhancement of compensation in a road accident matter, the application is allowed and the delay in

filing the appeal is condoned.

4. With the consent of learned counsel for respective parties, the matter is heard finally.

5. This is an appeal filed by the claimants for enhancement of compensation.

6. In an unfortunate incident which happened on 28-04-2014, the appellants were hit by a motor cycle resulting in fracture injury to appellant-Kranti Kumar and simple injury to appellant-Deepmala Markam.

7. Learned counsel for the appellants submits that even though, the Claims Tribunal found that the appellants were victim in a road accident, very meager amount has been awarded by the Tribunal. It is submitted that the appellant-Kranti Kumar has suffered fracture injury and he is entitled to appropriate compensation under the head "Pain and Suffering" towards medical bills and treatment expenses.

8. On the other hand, learned counsel for respondents opposed the prayer.

9. Admittedly, the doctor was not examined in the present case, which is reflected from the impugned award. The award reflects that the appellant-Kranti Kumar suffered simple fracture. All the medical bills submitted by the appellant-Kranti Kumar have been accepted and compensation of Rs.15,390/- has been awarded. Moreover, the Tribunal awarded Rs.2,094/- for expenses towards medical treatment , in addition to the medical bill expenses in favour of appellant No.2-Deepmala Markam.

10. However, considering that amount Rs.5,000/- awarded under the head "pain and suffering" to the appellant-Kranti Kumar appears to be on lower side, in the interest of justice, the same can be enhanced from Rs.5,000/- to Rs.10,000/-.

11. In the result, the appeal is partly allowed. The appellant-Kranti Kumar shall be entitled to additional sum of Rs.5,000/- under the head "pain and suffering", in addition to the amount already awarded.

12. Considering that the other appellant-Deepmala Markam could not prove any remarkable injury and it can be said to be simple injury, no case of interference is made out, as far as claim of appellant-Deepmala Markam is concerned.

Sd/-
Manindra Mohan Shrivastava
Judge