

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.1235 of 2009**

Naresh Kumar Sahu S/o Shri Jawahar Lal Sahu, aged about 39 years,
Occupation Sub-Engineer in P.W.D., Sraipali, R/o Tahsil Saraipali, District
Mahasamund (C.G.).

---Appellant

Versus

1. Khatri Jagat S/o Ram Singh Jagat, aged about 24 years, R/o Subhash Nagar, Mahasamund, Tahsil & District Mahasamund (C.G.).
2. Pravin Kumar Jha S/o Shri D.N.Jha, aged about 38 years, Occupation- Advocacy, R/o Ward No.10, Ganjpara, Mahasamund, Tahsil & District Mahasamund (C.G.).
3. The New India Insurance Company Limited, through Divisional Manager, Divisional Office, Madina Building, Kutchery Chowk, Jail Road, Raipur District Raipur (C.G.).

---Respondents

For appellant	:	Shri C.P.Lahrey, Advocate.
For respondent No.3/ Insurance Company	:	Shri Anand Kumar Gupta , Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board**

02/11/2017

1. Present is an appeal by the claimant under Section 173 of the Motor Vehicle Act assailing the award dated 21/02/2008 passed by the Motor Accidents Claims Tribunal, Mahasamund, District Mahasamund (C.G.) in Motor Accident Claim Case No.52/2006.
2. Vide the said impugned award, the Tribunal in an injury Case under Section 166 of the Motor Vehicles Act has awarded the compensation of Rs.2,47,841/-.
3. The grievance of the appellant is that, in spite of the fact that the appellant had received multiple fractured injuries on his hands and feets, the Tribunal has not properly assessed the compensation so far as the pain and suffering, mental agony, incidental expenses incurred by the claimant etc. He further submits, that the doctor was examined and has assessed the disability of 45% and thus prayed for the amount to be enhanced suitably.

4. The counsel for the Insurance Company however opposing the appeal submits, that the award seems to be just and reasonable and it is based upon the evidence which have come on record and therefore there is no scope of interference and prays for the dismissal of the appeal.

5. Having heard the rival contentions put forth on either side and on perusal of record more particularly the evidence of Dr.Siddheshwar Prasad Ware – AW/2 who has discussed the injuries in detail and considering the entire facts and circumstances of the case this court is of the opinion, that ends of justice would meet if the claimant is awarded a lump sum compensation of Rs.50,000/- in addition to what has already been awarded by the Tribunal.

6. Thus, the total compensation payable to the claimant would become Rs.2,97,841/- which for convenience sake is been rounded off at Rs.3,00,000/-.

7. The said enhanced amount of Rs.52,159/- shall also carry interest at the rate of 6% per annum as awarded by the Tribunal.

8. The appeal thus stands allowed and disposed off.

Sumit

**Sd/-
(P. Sam Koshy)
Judge**