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HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1544 of 2008**

Parakh Kashyap S/o. Late Shri Mahendra Kumar Kashyap, aged about 16 years, Minor, through: his natural guardian mother Smt. Lata Kashyap, Wd/o. Late Mahendra Kumar Kashyap, aged about 42 years, R/o. Civil Lines, Parsabhader Road, Balodabazar, Tahsil and Police Station Baloda Bazar, Raipur, Chhattisgarh

---- Appellant**Versus**

1. Rajesh Kumar Sahu, S/o. Raju Sahu, aged about 23 years, R/o. Gandhinagar, Palari, P.S. and Tahsil Palari, District Raipur, Chhattisgarh
2. Chhabiram Dewanga, S/o. S.R. Dewangan, R/o. Kharora, Tahsil and P.S. Kharora, District Raipur, Chhattisgarh
3. The New India Insurance Company Limited, through: the Divisional Manager, the New India Insurance Company Ltd. Madina Manzil, Kachahari Chowk, Raipur, Tahsil and District Raipur, Chhattisgarh

----Respondents

For Appellant	:	Mr. Keshav Dewangan, Advocate (Amicus curie appointed by the Court)
For Insurance Company	:	Ms. Chitra Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/10/2017**

1. None for the appellant. Since it was an appeal by the claimant the year 2008, this Court thought it proper for taking the assistance of Mr. Keshav Dewangan, Advocate to assist the Court for the disposal of the appeal.
2. The present is an appeal by the claimant seeking enhancement of the compensation awarded by the Additional Motor Accident Claims Tribunal, Baloda Bazar, dated 14.08.2008, in Claim Case No. 27/2007.
3. Vide the said impugned award, the Tribunal in an injury case under Section 166 of the Motor Vehicles Act has awarded a compensation

of Rs.88,700/- with interest @ 6% per annum from the date of application.

4. Mr. Keshav Dewangan, Advocate assisting the Court submits that the claimant in the instant case had suffered multiple fractures on his right leg in as much as there was a fracture on the Tibia and Fibula and had also received other injuries. It was also submitted by Mr. Keshav Dewangan that the claimant in the instant case had also to undergo an operation by which steel rod had to be implanted on his right leg for curing of the injury sustained and that the Tribunal has only awarded an amount of Rs.88,700/-, which is too meager an amount considering the nature of injury and the treatment which he had to take and was also further required to take.
5. Counsel for the Insurance Company, however opposing the appeal submits that it is a case where the Tribunal has passed an award taking into consideration the entire evidence, which have been adduced, and the award seems to be just and reasonable hence prayed that there is no scope of enhancement and also prayed for dismissal of the appeal.
6. Perusal of the record shows that the appellant had to undergo an operation and steel rod had to be implanted and that there was also a need of further surgery for removal of the steel rod and the appellant would have definitely incurred further expenses to meet the said future medical assistance.
7. Considering the entire facts and circumstances of the case, this Court is of the opinion that the ends of justice would meet if the appellant is awarded an additional amount of Rs.50,000/- in addition to Rs.88,700/- what has been awarded by the Tribunal. It is ordered

accordingly. The said additional amount shall also carry interest at the same rate as has been awarded by the Tribunal. The appeal stands allowed.

8. This Court extends a word of appreciation to Mr. Keshav Dewangan, Advocate for rendering the assistance in the disposal of the case. The Registry is directed to send a copy of this order to the Secretary, District Legal Services Authority, Baloda Bazar who should make all efforts to ensure serving a copy of this order to the Claimants.

Sd/-
(P. Sam Koshy)
Judge

Ved