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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 921 of 2010

Dharmendra Yadav, S/o. Bavran Yadav @ Bhanwar Lal, aged about 23 years, R/o. Frezarpur, Near Gupta Bhawan, Shanti Nagar Ward, Jagdalpur, Chhattisgarh

---- Appellant

Versus

1. Ranjeev Kumar, S/o. Sopsingh, Aged about 25 years, R/o. Badgaon, Police Station Pankhajur, District Kanker, At present R/o. Bahadurguda, In front of Himmat Negi's House, Jagdalpur, District Bastar, Chhattisgarh
2. Sukhbir Kaur, W/o. Amarjeet Kaur, Aged about 35 years, R/o. Village Bahadurguda, Geedam Road, Jagdalpur, District Bastar Chhattisgarh
3. The Oriental Insurance Company Limited, Menroad, Jagdalpur, District Bastar Chhattisgarh

---Respondents

For Appellant	:	Mr. R.K. Pali, Advocate
For Insurance Company	:	Mr. Sudhir Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/11/2017

1. The present is an appeal by the Claimant seeking enhancement of the compensation awarded by the Tribunal.
2. The challenge is to the award dated 28.06.2010, passed by the 3rd Additional Motor Accident Claims Tribunal, Jagdalpur, Chhattisgarh, in Claim Case No. 463/2009. Vide the impugned award the Tribunal in an injury case has awarded a compensation of Rs.23,770/-.
3. Counsel for the appellant submits that in the instant case since there was a multiple fracture on the ribs of the appellant, the compensation awarded by the Tribunal is too meager. He also submits that the Claimant has also got from AW/2 Dr. Virendra Jha from the District Hospital, Jagdalpur examined and who has assessed the disability at

36% and therefore the compensation should have been enhanced suitably.

4. Mr. Sudhir Agrawal, Advocate on the contrary opposing the appeal submits that the award seems to be just and reasonable as the injury does not seem to be grievous in nature in as much as it is only fracture of the ribs which in due course of time gets healed and recovered fully and thus prayed for rejection of the appeal.
5. Considering the totality of the facts and circumstances of the case, particularly the nature to the injuries, the age of the Claimant and nature of duties assigned coupled with the admitted factual aspects, so far as the date of accident, the vehicle involved in the accident, the resultant injury suffered by the Claimant and the vehicle being duly insured by the Insurance Company, this Court is of the opinion that ends of justice would meet if the Claimant is awarded an additional compensation of Rs.50,000/- in addition to what has already been awarded by the Tribunal.
6. Thus, the total amount payable would be Rs.73,770/- instead of 23,770/-.
7. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.
8. The appeal thus stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved