

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MAC No. 218 of 2017**

- Ramkumar Sahu S/o Shri Narayan Sahu, Aged About 28 Years, R/o Village Rohra, Police Station Pathariya, District Mungeli, Chhattisgarh, Mobile No. 9926632608 (Claimant)

---- Appellant**Versus**

1. Santosh Kumar Sahu S/o Shri Sunder Lal Sahu, R/o Daupara Mungeli, Tahsil & District Mungeli, Chhattisgarh(Driver)
2. Jasraj Tanwar S/o Shri Param Singh Tanwar, R/o Ward No.13, Ambedkar Nagar, New Bus Stand Road, Police Station City Kotwali, Tahsil & District Mungeli, Chhattisgarh(Owner)
3. The Oriental Insurance Company Limited, Through: Divisional Manager, Divisional Office: Rama Trade Center First Floor, In Front Of Rajiv Plaza Purana Bus Stand Bilaspur Tahsil & District Bilaspur, Chhattisgarh(Insurance Company)

---- Respondents

For Appellant	:	Shri Pushkar Sinha, Advocate under the authority of Shri Amit Chaki, Advocate.
For Respondents 1 & 2	:	None.
For Respondent No.3	:	Shri Sudhir Agrawal, Advocate

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board**By Pritinker Diwaker, J****26/07/2017**

1. This appeal filed by the claimant/appellant arises out of the award dated 30.07.2016 passed by Additional Motor

Accident Claims Tribunal (for short the "Tribunal") Mungeli in Claim Case No.02/2015 whereby in an injury case compensation of Rs.1,29,000/- has been awarded to the claimant/appellant herein.

2. Facts of the case, in brief are that on 08.05.2014 the claimant along with others was travelling in a bus bearing registration No.CG-10-G-0683. When the bus reached near village Barampur, it turn turtled due to rash and negligent driving of respondent No.1 herein, as a result of which, the claimant/appellant suffered number of injuries on his head, grievous injury on cervical spine bone and fracture of tibia and fibula bone. After the incident, the appellant/claimant was taken to Community Health Center, Lormi from where he was referred to Bilaspur and was hospitalized in Arogya Hospital, Bilaspur. A claim case was filed by the claimant/appellant claiming compensation to the tune of Rs.9,60,000/- under various heads, *inter alia*, pleading that after the accident, he was taken to Arogya Hospital, Bilaspur and admitted in ICU. It has been further pleaded that due to the said accident, the claimant is unable to perform his day to day work and there is gross downfall in his income.

03. Pleadings of the claimant has, however, been denied by the respondent/insurance company.

04. The Claims Tribunal by the impugned award has awarded a compensation of Rs.1,29,000/- to the appellant under

various head such as pain & suffering, special diet and expenses incurred in the treatment. It is this award which has been challenged by the appellant in this appeal.

05. Counsel for the appellant submits that:-

- The Claims Tribunal has erred in law in awarding very negligible compensation for the injuries sustained by the claimant.
- No amount has been granted under the head “future treatment”. The sum awarded under the head “pain & suffering’ is also on the lower side.
- That the amount awarded under conventional heads is also quite inadequate.

06. Heard counsel for the parties and perused the material available on record.

07. Admittedly, the claimant/appellant has suffered grievous injury on cervical spine bone including fracture of right tibia and fibula bone, and remained hospitalized in Arogya Hospital, Bilaspur in ICU, and as per medical records, he took treatment for one year. Thus, keeping in view all the above things, this Court is of the view that the amount awarded by the Claims Tribunal is on lower side and requires reconsideration. The claimant/appellant is entitled for compensation in the following manner:-

Head	Amount awarded	Amount enhanced
For Medical Expenses	Rs.76,000/-	Nil

For Loss of Future Income	Rs.36,000/-	Nil
For Travelling Expenses	Rs.5,000/-	Rs.15,000/-
For Pain and Suffering	Rs.10,000/-	Rs.50,000/-
For Special Diet	Rs.2,000/-	Rs.10,000/-
For Future Treatment	Nil	Rs.10,000/-
For Attendant	Nil	Rs.10,000/-
	Total	Rs.95,000/-

08. On the basis of aforesaid discussion, the claimant/appellant is held entitled for a total compensation of Rs.2,24,000/- (1,29,000 + 95,000). Since, the Claims Tribunal has already awarded Rs.1,29,000/-, after deducting the said amount, the claimant/appellant is entitled for enhanced amount of Rs.34,000/- (1,29,000 - 95,000). This additional amount of compensation shall carry interest @ 9% p.a. from the date of filing of claim application till realization. The amount received by the claimant, if any, shall be adjusted in the enhanced sum.

09. In the result, the appeal is allowed in part and the award impugned stands modified to the extent indicated above.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(Ram Prasanna Sharma)
Judge